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From: The South Carolina Labor News
December, 1945
Editor: Percy M. Dees
Publisher: Claude R. Boland

(Official Organ of South Carolina Building and Construction Trades Association; Columbia Building Trades Council; Columbia Federation of Trades. Address: P. O. Box 351, Carpenters Hall, Columbia, S.C.)

THE JIM CROW LAW

Now that the war emergency is over and traveling conditions and restrictions are no longer controlled by the Office of Defense Transportation in Washington, it is time that the fundamental Southern principle of segregation of the races be enforced. This applies particularly to bus travel.

Starting at the station, it is true that the terminal maintains separate waiting rooms, but in effect this is nullified. On the platforms there is a general mixture. When the buses start loading, since both races ride in the same compartment in the vehicles, there is pushing, scrouging, scrambling, shoving, hopeless confusion. It should be stopped. After loading, the buses are so packed that the standing passengers are "sardined" and sandwiched all together--white and black--no regard or respect for courtesy, politeness or manners. When passengers have to leave the buses, the same shoving and pushing is repeated because there is only one entrance and exit to the bus. All this should be stopped.

Now the railroads are compelled to maintain separate coaches for the two races. Why are the bus lines not required to have separate buses. It would help some if there were two entrances and two exits, but that would not solve the packing up of whites and blacks together. Of course, it may be argued that buses are constructed in sections where there is no segregation, and that in order to have separate entrances and exits and a dividing partition, the design of the coaches would have to be changed. But the fact remains that without a separation the law is being violated.

With all the common carriers buying new equipment it should be seen to that sufficient rolling stock is provided to correct these conditions, and if the present carriers do not comply steps should be taken to afford other remedies.

February 26, 1946

Honorable Ellis Arnall
Governor of Georgia
Governor's Mansion
205 The Prado, N. E.
Atlanta, Georgia

Dear Governor Arnall:

Enclosed are galley proofs of a study of the South by Rupert B. Vance of the University of North Carolina which will be published by us next month. We feel that, in view of your interests and your leadership in the movement for Southern development, it would be appropriate to have you do an introduction to the pamphlet.

What we want is a brief introduction of about 300 to 500 words, calling attention to the value of the study as a part of understanding and working on the problems of the South. If you are too busy at the moment to read the study, I think you can get by with a general statement of the South's needs and possibilities based on your own knowledge and experience. It would help if you said something about the need for all Southerners to mobilize to study and work, on both the local and Southwide levels, to develop the region's potentialities.

The title of the study is "Wanted: The South's Future for the Nation." We hope to have it off the press by the middle of March. This means that we must start printing within the next week, and if possible I would like to have your introduction by the end of this week. I know I should have gotten in touch with you earlier, but we received the galley proofs only a few days ago.

Your good cooperation will be deeply appreciated by the Council. Having your introduction in the book will add a great deal to its prestige and insure it a much wider readership.

Sincerely,

Ray Warwick
Director of Public Relations

P.S. We are enclosing a few recent publications to let you see what we are doing and how we are going after new members.

GENTLEMEN: YOU ARE MAD!

By LEWIS MUMFORD*

We in America are living among madmen. Madmen govern our affairs in the name of order and security. The chief madmen claim the titles of general, admiral, senator, scientist, administrator, Secretary of State, even President. And the fatal symptom of their madness is this: they have been carrying through a series of acts which will lead eventually to the destruction of mankind, under the solemn conviction that they are normal responsible people, living sane lives, and working for reasonable ends.

Soberly, day after day, the madmen continue to go through the undeviating motions of madness: motions so stereotyped, so commonplace, that they seem the normal motions of normal men, not the mass compulsions of people bent on total death. Without a public mandate of any kind, the madmen have taken it upon themselves to lead us by gradual stages to that final act of madness which will corrupt the face of the earth and blot out the nations of men, possibly put an end to all life on the planet itself.

These madmen have a comet by the tail, but they think to prove their sanity by treating it as if it were a child's skyrocket. They play with it; they experiment with it; they dream of swifter and brighter comets. Their teachers have handed them down no rules for controlling comets; so they take only the usual precautions of children permitted to set off firecrackers. Without asking for anyone's permission, they have decided to play a little further with this cosmic force, merely to see what will happen at sea in a war that must never come.

Why do we let the madmen go on with their game without raising our voices? Why do we keep our glassy calm in the face of this danger? There is a reason: we are madmen, too. We view the madness of our leaders as if it expressed a traditional wisdom and a common sense: we view them placidly, as a doped policeman might view with a blank, tolerant leer the robbery of a bank or the barehanded killing of a child or the setting of an infernal machine in a railroad station. Our failure to act is the measure of our madness. We look at the madmen and pass by.

Truly, those are infernal machines that our elected and appointed madmen are setting. When the machines go off, the cities will explode, one after another, like a string of firecrackers, burning and blasting every vestige of life to a crisp. We know that the madmen are still making these machines, and we do not even ask them for what reason, still less do we bring their work to a halt. So we, too, are madmen: madmen living among madmen: unmoved by the horror that moves swiftly toward us. We are thinking only of the next hour, the next day, the next week, and that is further proof that we are mad; for if we go on in this fashion, tomorrow will be more heavy with death than a mortuary. Once our rivals enter the atomic armament race there will be no drawing back this side total catastrophe. The madmen expect that forty million people will be killed during the first few hours in the land that fails to unloose the infernal machine first. No promise to hold back such weapons until we ourselves are attacked will remain firm in the face of such expectations and such anxiety. The nation that waits before it is attacked will be lost, and the nation that attacks a foe that is equally armed, the armed madmen admit, will also be lost. Once the atomic war breaks out, the planet will become our extermination camp, and the cities will be our incinerators. This will be the madmen's final homage to the Mad Leader of all Madmen, who, dying, has scattered about this dust of madness which blinds our eyes and numbs our senses.

Why has this madness seized us? Do not ask now; it is here. Have we then no sanity left that will give us strength to cry out against the madmen and contend with them? Have we not the power to stifle the infernal machines they have created and to baffle their preparations for the casual suicide of the human race? Has no one raised a hand to halt the madmen? Yes: here and there, in the gutters, on the rooftops, pushed through a grating, or slipped under a door by a silent hand, are the scrawls of a message, a frantic series of messages, addressed to all of us. These messages have been written by the greatest of the madmen, the men who invented the super-infernal machine itself; the men who, in the final throes of their dementia, were shocked back into sanity.

The shocked ones, the awakened ones, are the only people who show a normal awareness of danger, and the proof of this fact is that their frantic signals are dismissed as madness. The louder they shout to us, the more inaudible their voices become. The moment they awakened to the cosmic evil they had brought about, the awakened ones were bound over to silence by the watchful agents of the uniformed madmen. So they send us their messages in scattered fragments, or they whisper it to private ears in passing, since their keepers will not permit them to speak aloud in such a fashion that every man, woman, and child would understand their story and act for self-preservation.

The ruling madmen do not dare to let us read the whole message of the imprisoned ones, lest we be suddenly jolted into sanity. The President, the generals, the admirals, the administrators are afraid that their own madness might become more evident if the scattered words the awakened ones set us were to be put together and read as a single sentence. For the President, the generals, the admirals, and the administrators have lied to us about their infernal machine: they have lied by their statements and even more they have lied by their silences. They lie because it is no longer an infernal machine, but hundreds of infernal machines: presently no longer hundreds but thousands: these unrestrained madmen will soon have enough power to disembowel, with a push-button command, all the living spaces of mankind. Day by day the stockpiles of chaos grow larger.

The power that the madmen hold is power of an order that the sane alone know that they are not sane enough to use. But the madmen do not want us to know that their power is too absolute, too godlike, to be placed in any human hands: for the madmen dandle the infernal machine jauntily in their laps and their hands eagerly tremble to push the button. They smile at us, these madmen: they pose for fresh photographs, still smiling: they say, being madmen, "We are as optimistic as ever," and their insane grin is prophetic of the catastrophe that awaits us.

Lying to us about the secret that is no secret, the madmen also lie to themselves, to give their lie the further appearance of truth, and their madness the outward garb of sanity. Not knowing any other use for their machine but destruc-

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*We are proud to be able to offer this arresting article to our readers. Permission to re-publish it was given us by the Saturday Review of Literature and by the author himself; indeed, Mr. Mumford revised his copy somewhat, in the interest of still greater effectiveness, for our use in The Christian Union Herald. Lewis Mumford has to his credit a long list of books and articles, as well as many activities and achievements in the field of American culture. Among the titles of his books are, "Herman Melville," "The Golden Day," "Faith for Living," "The Condition of Man." We hope the article that follows will be read by every one of our subscribers.—The Editor.

tion, they multiply our capacities for destruction. Their every act is an act of madness; even now, in the middle of the Pacific Ocean, they plan a further madness, with a monkey-like curiosity to discover a new secret that is no secret. One mad act has led to a second mad act, the second to a third: and the end will be a morbid compulsion to achieve the last irretrievable act of world-madness—in the interests of security, peace, and truth.

The madmen act as if nothing were happening, as if nothing were going to happen: they are taking the madman's usual precautions with a madman's usual confidence. But the awakened ones, those who are still the madmen's prisoners, know better than this. The pleading words they have guardedly sent us have been lying around for months, and only our paralyzed bodies and our dead minds have kept us from picking the fragments up and piecing them together. Let us read their plain message: it is the only warning we will ever have.

Here is the message of the awakened ones:

"The madmen are planning the end of the world. What they call continued progress in atomic warfare means universal extermination, and what they call national security is organized suicide. As our power approaches infinity, our security falls to zero. There is only one duty for the moment: every other task is a dream and a mockery. Stop the atomic bomb. Stop making the bomb. Suppress the bomb completely. Dismantle every existing bomb. Cancel every plan for the bomb's use; for these clever plans are based on stark madness. Either dethrone the madmen immediately or raise such a shout of protest as will shock them into sanity. We have seen the infernal machine in action, and we hold that this action is not for man to invoke.

"We know there is no quick way out of this madness, for the cooperation of mankind cannot be purchased cheaply by terror; but the first step, the only effective preliminary step, is to put an end to the atomic bomb. You cannot talk like sane men around a peace table while the atomic bomb is ticking beneath it. Do not treat the atomic bomb as a weapon of offense: do not treat it as a weapon of retaliation: do not treat it as an instrument of the police. Treat the bomb for what it actually is: the visible insanity of a civilization that has ceased to worship life and obey the laws of life. Do not use atomic energy in any form until controls and safeguards have been tested for at least half a generation. Say that as men we are too proud to will the rest of mankind's destruction even if that madness could for a few meaningless extra moments save ourselves. Say that we are too wise to imagine that our life would have value or purpose, security or continuity, in a world blasted by terror or paralyzed by the threat of terror."

So reads the message of the awakened ones.

While the whole world writhes in a spasm of madness, let us in America be mad with a method, mad with a purpose. Let us say No to the atomic bomb rather than say No to life itself. Let us awaken the sleeping sanity of the peoples of the world by calling them together and showing them our guilty hands, our hands already stained with a madman's blood, still clenched in a madman's purpose, and then let us say these plain words:

"We have awakened. We are men once more. You have nothing to fear from us. We will dismantle our atomic bombs and allow you to put a guard over our stockpiles: America's sanity today shall be the world's sanity tomorrow. Whoever seeks to be sure as to our good intentions, let him come into our country, go where he pleases, and examine the most secret laboratories and factories. We have nothing to hide, except that which only madmen would continue to hide. With this act of faith, we have awakened from the nightmare of the infernal machine and our sleepwalking progress toward annihilation. Wake up! men and brothers on every continent. Let us all cease thinking that the cosmic power we hold is only a child's skyrocket. The atomic bomb is not for any of us to use—ever. Let us put it aside, as if it were unconceived and inconceivable. For we have nothing to fear from each other but our normal madness: the madness of those who would calmly bring the world to an end simply by dotting their i's and crossing their t's as they have always done. On any other terms but this common faith in our common cause, mankind is doomed."

Meanwhile, the clockwork in the infernal machine ticks and the final day draws near. The time has come for action: before it is too late the compulsive automatic motions of the madmen must be sternly halted. Let the awakened ones be ungagged, and let one of them be placed at the elbow of every man holding high public office, as the priest was once at the elbow of the king, to whisper the words "Humanity" and "One World" in the leader's ear, when he slips into the dead language of tribal isolation. The secret that is no secret must be forgotten: the security that is no security must be yielded up: the power that is annihilation must give way to the power that is birth.

So the first move toward sanity lies with us Americans. Our uniformed madmen, with their secret methods, their secret powers, secret stores of annihilation, multiplying daily, have awakened a great fear; and only a great act of generosity and faith will ease that fear. Single-handedly and high-handedly we have given rise to this fear; and single-handedly but humbly we must help our rivals to dissipate it. Unless we risk an act we shall not gain the time needed for the further works of conciliation, compromise, and cooperation. Without time, neither peace nor security can be organized. Let us build with our own hands a new sanity, firm enough to keep all madness in check. It would be better to meet failure with such a sanity than to court a corrupt success with further madness.

To make world control of atomic energy possible, let us first exercise self-control over the infernal machine. Let us stop the further manufacture of atomic bombs. Let us dismantle the bombs we have made and put our stockpile of fissionable materials under the guardianship of the United Nations. Let our Congress formally declare this country's readiness to submit to a complete system of inspection and control;.. and let it add its readiness to sponsor any constitutional changes that may be needed to make a world control work, provided that every other nation accepts these measures as equally binding. Let our self-government point the way to world government.

That way, and no other way, lies sanity. That way, and no other way, lies security. That way, and no other way, lies life. The nation that fails, during the coming year or two of grace and reflection, to follow our lead will brand itself as the enemy of mankind. Woe to the nation that so fails! Such a nation has surely dug its own grave. But woe to ourselves if, having a cosmic power in our hands, we become so drunk with pride, or so riddled with fear, that we fail to open a wide door to sanity and cooperation. Yes: woe to us, if having the leadership in the infernal arts, we fail to use our utmost efforts to restore understanding and peace. Woe to us, if we cling to our madness and call it might!

Only by heroic political action can we overcome the dangers we ourselves have created. Stop the Atomic Bomb now. That is the only order of the day. When we have performed this duty the next step will be visible, and the next duty will add a new safeguard against the smooth automatism of the madmen. But we must be quick to overcome our own madness. Already the clockwork is ticking faster, and the end—unless we act with the awakened ones—is closer than anyone yet dares to think.

RECEIVED
APR 30 1946
Southern Regional Council

ELEVENTH ANNUAL CONFERENCE

— OF THE —

ASSOCIATION OF SOCIAL SCIENCE TEACHERS IN NEGRO SCHOOLS

THEME

The Role of Social Studies in the Atomic Age

FRIDAY AND SATURDAY, MAY 3-4, 1946

ATLANTA UNIVERSITY

ATLANTA, GEORGIA

—: ALL MEETINGS OPEN TO THE PUBLIC :—

EXHIBITION ROOM, UNIVERSITY LIBRARY

CHESTNUT STREET AND GREENSFERRY AVENUE

HEMPHILL PRESS

PROGRAMME

7:30—THURSDAY EVENING, MAY 2ND, Exhibition Room, University Library

Executive Committee Meeting—W. F. Nowlin, Merl R. Eppse, Mabel Smythe, J. W. Riley, T. E. McKinney

8:30—FRIDAY MORNING, MAY 3RD

Presiding—W. F. Nowlin, Bluefield State Teachers College. President of the Association

Welcome Address—John P. Whittaker, Registrar, Atlanta University, representing President Rufus E. Clement

10:15—Presiding: Merl R. Eppse, Tennessee State College

President's Annual Address—William F. Nowlin
Subject: "*Achieving Our Goal*"

10:45—TOPIC: "*Changing Southern Patterns in Race Relations as Viewed by the Southern Regional Council*"
Dr. George Mitchell, Southern Regional Council
Dr. Guy B. Johnson, Southern Regional Council

Committees on Bibliography; Resolutions; Time and Place; Auditing and Nominations will meet during the Luncheon Period.

Adjournment

2:00—FRIDAY AFTERNOON, MAY 3RD

Presiding—William F. Nowlin

Round Table Discussion
TOPIC: "*Newer Trends in the Teaching of the Social Studies in the Elementary Schools*"
Mrs. A. Cathryn Johnson, Chairman
Mrs. Hale Woodruff
Mrs. Helen Moore
Mrs. Callie Mae Montgomery
Mrs. Julie Neal
Mrs. Beulah Lewis
Dr. Juanita Pierce

3:00—TOPIC: "*War-time Employment Patterns of Non-white and Female Workers in Southern Industry*"
John Hope, II, Fisk University

4:00—"*Problems Affecting Social Studies Teachers on the College Level*"
"*Economics*"
Dean Edward Dickerson, Morris Brown College

"*History*"
Dr. Susie O. Bryant, Tennessee State College
"*Political Science*"
Dr. William M. Boyd, Fort Valley State College
Discussion
Adjournment

8:00—FRIDAY EVENING

Presiding—William F. Nowlin
Invocation
Music
Introduction—Dr. Ira De A. Reid
"*The Shape of Things to Come in Human Relations*"
Miss Lillian Smith
Discussion
Adjournment
Reception

8:30—SATURDAY MORNING, MAY 4TH

William F. Nowlin, Presiding

TOPICS:

"*The West, An Area of Research on the Negro*"
W. Sherman Savage, Lincoln University, Missouri
"*Why People Disagree*"
Gustav Ichheiser, Talladega College
"*The Teaching of Anthropology in Negro Schools*"
Dr. Walter Chivers, Morehouse College
"*Public School Facilities in Atlanta*"
Dr. R. O. Johnson, Atlanta University
"*What Are The Best Methods for the Negro Teachers to Teach Controversial Themes in the Atomic Age*"
Dr. S. E. Warren, Southern University

2:00—SATURDAY AFTERNOON, MAY 4TH

Business Session
Report of the Committee on Bibliography
Report of the Committee on Resolutions
Report of the Auditing Committee
Report of the Secretary-Treasurer, Dr. Mabel Smythe
Report of the Recognition Society, T. E. McKinney
Report of the Advisory Committee, Clyde Minor
Report of the Committee on Time and Place
Report of the Nominations Committee

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Dr. Ira De A. Reid, *Chairman*

The proceedings and minutes of the conference will be published in the Quarterly Journal of Higher Education Among Negroes and will be distributed to all member colleges.

Annual Dues for Colleges . . .	$5.00
Annual Dues for Individuals . . .	$1.00
Annual Dues for Observers . . .	$1.00

Sent at the suggestion of
Miss Lillian Smith.

Sm

Atomic Energy

RECEIVED
JUN 10 1946
Southern Regional Council

46 College Street, Hanover, New Hampshire

A group of us in Hanover have started a movement to redress the serious mistakes our country has made in the exploitation of the atomic bomb. We hope this movement will spread.

We start from the premise that the only effective means of controlling atomic weapons and atomic energy, ultimately, is through a world government capable of preventing war. The process of transition to a world government can and should be accelerated; but it cannot in all probability be quickened to the point that it will serve as an immediate safeguard against a final war of extermination.

Accordingly, we have sought in the enclosed petition to devise a short term policy. We hope thereby to remove the fear and suspicion that now poison international relations, and to make it possible for strong rival states, especially Russia, to accept promptly and faithfully the drastic controls necessary for world security. Only a very bold and generous move on the part of the United States can achieve this result. Since American initiative in creating atomic weapons has brought on the danger, we have the duty to lead the way toward world security. The purpose of the petition is to make our government to withdraw from its present effort to be pacemaker in an atomic armament race. Once that race begins, there will be no withdrawal this side of catastrophe.

We are not so quixotic as to suppose that atomic bombs will not be used if, before world control is established, a war should break out. The three measures we propose are intended to convince our rivals, <u>before they are capable of retaliation</u>, that we have no intentions of settling our differences by a surprise atomic attack. From the Russian standpoint, our ever-increasing stock-pile of atomic bombs is a direct threat to their security. We seek to remove from the minds of both the Russians and our own military leaders the belief that the American people would sanction a "preventive" war of extermination.

American military and scientific authorities agree that our present superiority in atomic weapons is only temporary. Once Russia has caught up, the United States would be far more vulnerable to attack than Russia is now. At the Senate hearings the Army's spokesman admitted that forty million Americans might be wiped out before we could even identify our enemy. Only madmen now believe that such a weapon is a guarantee of national security. Our sense of self-preservation demands that we take the lead in suppressing this weapon before we bring on, by our own actions, a period of unlimited terror followed by wholesale extermination.

Will you join us by putting the enclosed program into action? We believe that public meetings in every part of the country are the best way of attracting nationwide attention to the issue. Petitions such as the enclosed should be circulated independently as well. The original copies with signatures should be forwarded to the President, while certified copies should be sent directly to your Representatives, to your Senators, and to Senator Brien McMahon, Chairman of the Senate Committee on Atomic Energy. We do not want individual signatures from you. We want you to initiate group action.

Lewis Mumford

To the President and the Congress of the United States

Today we confront a growing danger which issues out of America's temporary leadership in the production of atomic bombs. The danger springs from the fact that our continued production of these weapons has roused fears that will undermine every effort toward the conciliation, compromise and cooperation essential to building a peaceful world order.

As atomic power expands, world security diminishes. Only World Government can save mankind from an ultimate war of extermination. The process of transition to a World Government can and should be accelerated. Meanwhile many honest political differences in policy and method and ideal must be overcome. If we are to achieve World Government, we must have time to settle these differences. To secure time for this purpose is the prime aim of the proposals we submit.

The undersigned believe that the people of the United States have the duty to lead the way in renouncing the very possibility of atomic warfare or any other means of wholesale extermination. No peace would be worth its name, if it were achieved by turning the earth itself into an extermination camp. We condemn further military experiments with atomic weapons as an unseemly contradiction to our professions of cooperation through the United Nations. We believe that our own actions must set a pattern for the far-sighted cooperation we hope to draw forth from our neighbors throughout the world.

We believe that the following measures will relieve the tensions our own one-sided action in manufacturing atomic bombs has created. These measures will make it easier for other nations to withdraw from an atomic armament race. They will give authority to the United Nations Atomic Commission to devise the far-reaching and drastic controls necessary for our own security as well as the world's, without fear that such controls might be whittled down or completely repudiated by the United States Government.

Therefore, we, the undersigned, citizens of the United States, earnestly petition the President and the Congress to take the following measures:

1. Declare our readiness to submit to a complete system of United Nations' inspection and control of atomic weapons and atomic energy, provided that at the same time these measures are accepted as equally binding on themselves by other members of the United Nations.

2. Stop our further manufacture of Atomic Bombs.

3. Dismantle the bombs we have made and place our stockpile of fissionable materials under United Nations guard, as a proof of our moral unwillingness to use the bombs in a surprise attack against any nation.

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INTERPRETING ARMY TIMES Vet-Letter FORECASTING

PUBLISHED WEEKLY BY ARMY TIMES 1419 IRVING STREET N W WASHINGTON 10 D C

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VOL. II, NO. 14 APRIL 5, 1947

REPUBLICAN BLUNDER: The attempt by axe-swinging Republicans on the House Appropriations Committee to cut $350 million from the Veterans Administration...necessary to continue paying readjustment...unemployment...allowances to War II vets...was a major GOP blunder.

General Bradley, VA Administrator, was caught flat-footed...since he believed...and rightly...that he had explained fully why the money was needed. And...testimony at closed committee hearings...bears him out.

Bradley's explanation of VA needs...and defense of his position as administrator...was heroic...but might have gone for naught...if Democrats in House of Representatives...had not launched terrific...sarcastic...attack on GOP fund-slashers.

And...as if it was only an April Fool's joke...on April 1...John Taber (R.,N.Y.), chairman of the committee...offered amendment to his own committee report...restoring the $350 million...and voicing his sorrow for the "mistake."

The quick...and positive defeat...of economy axe-swingers...may be good tidings for VA...and for all veterans in general.

Taber's defeat was absolute...so absolute that he knocked himself out...probably will be wary of his future actions trimming veterans' benefits.

Or...on the other hand...if defeat rankles...he may seek other avenues...within or without VA...where cuts can be made.

At committee hearings...Taber defended his position as axe-swinger...and...frankly... was on solid ground...explained that the problems of Congress...to reduce unnecessary governmental expenditures...was "the meaner end"...but when "certain things" are called to attention of Congress..."it is our duty to see that they are corrected to the best of our ability."

And it was obvious...from admissions by VA officials...that some instances have occurred where VA funds were not being spent wisely...where contracts had been negotiated for excessive fees to professional men...dentists...where doctor "consultants" collected large fees for no work.

Taber got "hot" with Bradley...because of latter's convincing...blistering...statement... outlining his duties and responsibilities as VA administrator...placed upon him by laws enacted by Congress.

Bradley told Taber...that if operating costs of VA are reduced to point where services to veterans suffer...we must ask ourselves if this is not false economy...that if the process of readjustment is slowed..."by timid dollar-minded administration of the law"...the eventual cost of delay may far outweigh savings.

Bradley's defense of his position should be required reading for every member of Congress...for every official of a veterans' organization...for all those who feel that veterans' benefits are excessive.

But...unfortunately...few members of Congress...outside of actual members of Appropriations Committee who heard the general...ever will read...or realize...a word of what was said...except *Vet-Letter* subscribers...on what the problems are...of the magnitude of the task of operating a series of the biggest businesses in the world...hospital...insurance... compensations and pensions...college...training...letter-writing...etc.

Bradley admitted his administration has not been cheap...but said:

"Had I exercised undue caution and timidity in expansion of the Veterans' Administration and thereby delayed its mission, I would have brought down severe criticism not only on

myself but on Congress and the entire structure of the Federal government...If I have violated the intent of Congress...in my effort to do this job...then I accept full personal responsibility."

REVIEW SENTENCES: The War and Navy Departments opposed the idea of civilian boards...going into general court martial proceedings...to weigh the problem of whether...or not...a dishonorable discharge given a vet...should be replaced with a better type.

But...Attorney General Clark...the country's highest legal officer...says that is exactly what the civilian boards are authorized to do where they find that error or injustice has occurred.

When Congress passed its Reorganization Act...it banned "private" bills...introduced by individual members of Congress...in behalf of individual vets...to correct military records...and said Army...Navy...and Treasury Department for the Coast Guard...should set up boards of civilian officers to correct these records.

Since...(1)...Many of the private bills previously introduced...were to correct court martial sentences...and...since (2)...Congress...in the GI Bill...had authorized correction of other than general court martial sentences...it was plainly the intention to give the civilian boards authority over general court martial sentences...Clark said.

However...it was emphasized that the boards wouldn't actually be reopening court proceedings in a legal sense...but...rather...would be exercising clemency...or mitigation.

Regardless of what the boards will be doing "legally"...they will be changing discharges adjudged by military courts.

Regulations for the boards now are being drafted...and will be available soon.

MAULDIN VS. THE LEGION: Bill Mauldin, noted War II cartoonist-creator of still-remembered "Joe and Willie" puts a literary microscope over the American Legion in the lead article in the April issue of *The Atlantic* Magazine.

Bill has some pretty sharp things to say about the Legion...its lobbying technique...its contradictory policies...and its method of operation.

But it makes good reading.

NEW HOUSING PROGRAM: Latest to hook a ride on vet housing band wagon...is Senator Baldwin of Connecticut...freshman Republican...who is ready to sponsor most radical proposal yet advanced in 80th Congress.

With one eye cocked on his political future...he is occasionally mentioned as a possible dark horse candidate for GOP presidential nomination...Baldwin...soon...will propose:

1. A program of combined federal-state housing subsidies...costing upwards of $500,000,000...to underwrite difference between actual housing costs...and what vets can afford to pay.

2. Amendments to National Housing Act...providing 100% federal guarantee on vet home loans...reduction of interest charges of 3¼%...extension of amortization period of loans from 25 to 40 years.

Aim of subsidies bill...is low rentals...and "fair" purchase prices on new homes for sale...to vets only...with emphasis on rents.

Aim of amendments...is to provide opportunity for vets to build...or buy...with no initial outlay of their own cash.

Look for substantial unfavorable reaction...when Baldwin program is introduced...probably next week...not only from building and realty interests...but also States...and housing moderates in Congress...like Senator Taft...who is co-sponsor of famed...and pending...Taft-Ellender-Wagner long-range housing program.

Baldwin program is more radical...more "socialistic," if you will...than T-E-W bill...because it moves both federal and State governments smack into new housing controls over private enterprise...even though private enterprise is being called on to do the job...for profit.

Obviously...if federal and State governments are going to pay direct subsidies to builders...safeguards must be established...to protect taxpayers.

Some sort of governmental policing must be provided...to guard against overcharges...under-the-counter "donations"...other obvious abuses possible...and some sort of State

authority must be established...to determine extent of subsidies...through compilation of building cost averages...and actual ability of vets to pay.

At present...only 22...of 48 States...have State housing authorities in existence... organized to cope with program...but few...among 22...have compiled data...sufficient for operation of subsidies program envisaged.

Other defects: by requiring States to match federal subsidy grants...poorer States... where greatest housing problems exist...may not be able to afford costs...nor does bill recognize different financing problems of middle income and low income veterans.

Vets able to pay around $50 rentals...probably would benefit greatly...but question is: will building interests...even with subsidies...be able to provide market for the $20 and $30 monthly rental class...which is in overwhelming majority?

Baldwin program...unlike T-E-W bill...bypasses slum clearance entirely...a fact that many cities...and States...may not like...not on aesthetic grounds merely...but because loss of revenue from slum areas...more and more...is providing a hard-headed business excuse for getting rid of them.

Baldwin program is realistic...providing "bonuses" through subsidies...as incentives to get homes built for rental by private industry...but it also provides specifically that two-thirds of all building...under program...must be for rentals...and builders will scream at that one.

Baldwin program...probably will raise quite a to-do...will help focus congressional attention...now scattered...on urgency of housing problem...may well be the biggest factor in frightening present opposition to T-E-W bill into accepting it...as lesser of two evils.

UNEMPLOYMENT: Vets...particularly younger ones and men disabled...find it progressively tougher to get jobs...despite fact employment is at all-time high...and reconversion of industry is far ahead of schedule...VA reports.

Already...twice as many vets are out of work...as non-vets...with veterans' unemployment jumping 11% in February to boost GI unemployment total into the million class.

Continued weekly claims for jobless compensation...52-20 pay...averaged over 1,100,000 in February...for second consecutive month...while new claims also jumped in December and January...after hitting new low last November.

Total of 56,000 vets exhausted their jobless pay entitlements in January...a new monthly high.

MEDICAL CARE: The future of the greatly-expanded medical care program of the VA...designed to be expanded even further when the approved half billion dollar hospital construction program is completed...still far hence...is in grave danger.

Already there is evidence in Congress...of a feeling that VA medical costs are running too high...presaging a terrific hue and cry...if costs continue to soar...as indications are they will.

Program also in danger because of morale factor among VA hospital staffs...now at their peak in number and quality.

Fact that the improved medical division has the "jitters" as a result of current economy drive in Congress...reported publicly for first time in March 22 issue of *Vet-Letter*...was confirmed...with a vengeance...this week by General Bradley and Dr. Karl A. Menninger, manager of the new VA hospital at Topeka, Kans.

In a letter to General Bradley...read before the House Appropriations Committee...Dr. Menninger asserted bluntly that "loud headline talk"...on the part of Senators and Representatives...about firing a million government workers...slashing the payrolls...etc...is injuring morale of hospital staffs "to the point of bitterness and sometimes almost to the point of panic."

Dr. Menninger...quoted staff members as saying..."It is the same old VA after all... we were lured into this program on the basis that the government really planned to do something big for the veterans...when jobs were plentiful we were coaxed into this on the implied promise that the government policy was stable and that this program would go ahead...we gave up better opportunities to come here on the assumption that this program would continue and grow...now look."

Menninger wrote...that morale of hospital employes...cannot be injured...without affecting the care of vet-patients...and that fewer man-hours...by employes...in a hospital...inevitably means less treatment for the vets.

PLASTIC SURGERY: The VA now is operating 22 plastic surgery centers...manned by surgeons and others skilled in plastic surgery and provided with special equipment.

Centers are in VA hospitals located at...West Roxbury, Mass...Bronx, N.Y...Washington, D.C...Cleveland, Ohio...Jefferson Barracks, Mo...Fort Logan, Colo...San Francisco, Calif... New Orleans, La...White River Junction, Vt...Aspinwall, Pa...Chamblee, Ga...Hines, Ill... McKinney, Texas...Los Angeles, Calif...and Van Nuys, Calif.

VETS IN COURT: There was hope this week that a plan...originated in U.S. District Court... in the District of Columbia...to set up new procedure for the handling of accused veterans brought to trial...may be extended to all federal courts in the United States...and possibly into State and local courts.

An agreement was reached...at a conference between Chief Justice Bolitha J. Laws...and representatives of the armed forces...the VA...the Justice Department...and bar officials... upon two questionnaires...which would give courts pre-trial information about accused vets.

One...would be filled out by an accused vet...and would give information as to his service connection...and whether or not he was discharged for medical reasons.

The other...would be sent by the court to the VA and the branch of service in which the vet served...and would give the following information to court authorities:

Period of service...whether he was at any time a prisoner of the enemy...whether he was hospitalized or treated during service for combat injuries...non-combat injuries...disease... or abnormal mental condition...whether he was hospitalized after discharge...and if so... when and where.

Plan is designed to save vets...not wholly responsible for their actions...from being treated as criminals...and being treated for whatever emotional instability...which is not legal insanity...ails them.

Plan will be tried out in District of Columbia on experimental basis...and if successful...will be submitted to International Association of Chiefs of Police...and American Bar Association...for consideration.

JOBS IN ALASKA: During next six months...veterans looking for seasonal jobs in Alaska... will never have a better opportunity...says high-placed Interior Department official...in exclusive interview for *Vet-Letter*.

Joe Flakne...Alaska Branch chief...at Interior...listed literally hundreds of jobs... in Army-Navy construction...highway work...mining...railroad building and maintenance... asserted gold mining...alone...will be limited only by transport facilities available.

Such reassurance is first positive encouragement for vets...from any U.S. official agency concerned with Alaska.

Flakne cautions that conditions are rugged...really rugged...pay scales are equal or less than in States...not higher...but are sufficient to sustain vets...particularly those eager to "case" the territory for possible permanent opportunities there...at no expense to themselves.

Bulk of jobs must be obtained on spot...mostly at Fairbanks and Anchorage...but those interested can obtain a bulletin "Employment in Alaska,"...by writing *Vet-Letter*...and asking for it.

NATIONAL GUARD: Relaxation of age requirements now permits vets more than 35 years of age to be enlisted in the National Guard.

Men 36 to 38 years of age...may be enlisted if they have had at least one year of service in the U.S. armed forces.

Men 38 to 41 years...may be enlisted if they have had at least two years of service.

Men 41 to 55 years...may be enlisted if they have had at least two years of service... plus the number of years the applicant is over 40 years of age.

For example...a man 42...may be enlisted if he has at least four years service.

Further relaxation also permits vets who have been awarded the Silver Star...or a higher decoration...to be enlisted in the Guard...without regard to age requirements... until his 55th birthday.

The Army Times Staff

A-misc.

a L Smith. Col

SHAW UNIVERSITY

RALEIGH, N. C.

4th.

Thurs 9. AM.

OFFICE OF THE PRESIDENT

RECEIVED
SEP 2 1947
Southern Regional Council

August 28, 1947

Dr. George S. Mitchell
Southern Regional Council, Inc.
Room 432
63 Auburn Avenue, Northeast
Atlanta 3, Georgia

Dear Dr. Mitchell:

We are pleased to know that you will be willing to serve us at Prairie View. As we work on the details of the program, I shall let you know the particular date on which you will speak. We hope to have this cleared within the next two weeks.

It is generous of you to come to us so that we shall be prepared to take care of one-half your expense.

With deep appreciation of your gracious consideration, I am

Very truly yours,

Robert P. Daniel
President

Association of Colleges + Secondary Schools Convention

RPD:w

A-misc.

Fourteenth Annual Convention

Association of Colleges and Secondary Schools

THEME

Significant Issues in Education Today

December 3-5, 1947

PRAIRIE VIEW
AGRICULTURAL AND MECHANICAL COLLEGE
PRAIRIE VIEW, TEXAS

PROGRAM

Wednesday, December 3, 1947

Opening Session

Library Auditorium — 8:00 P. M.

DR. ROBERT P. DANIEL, *President, presiding*

Invocation

Music.....Arranged by Prairie View College Music Dept.

President's Statement ..... Dr. Robert P. Daniel

Report of Secretary-Treasurer ..... Dr. L. S. Cozart

Music

Address ..... Principal E. B. Evans
Prairie View A & M College

Music

Informal reception by Prairie View College

Thursday, December 4, 1947

General Session

9:00 - 12:00 — Library Auditorium

DR. ALBERT W. DENT, *Vice-President, presiding*

Address—"Veterans' Problems and Education" ..... Dr. George S. Mitchell
Executive Director (formerly Director of Veterans' Services) Southern Regional Council

Report on the Veterans' Educational Facilities Program of the Federal Government ..... Mr. James A. Atkins
Director, Racial Relations Division, Bureau of Community Facilities

Address ..... Dr. L. A. Woods
State Superintendent of Education of Texas

Project for Adult Education ..... Dr. Ambrose Caliver
Specialist for Higher Education of Negroes, U. S. Office of Education

Official photograph is scheduled to be taken immediately after adjournment

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Thursday — 2:00 - 4:00 P. M.

Sectional Meetings Under the Direction of the Commissions

COMMISSION ON HIGHER EDUCATION

Graduate Study Room — Library Building

DEAN J. B. CADE, *Presiding*

COMMISSION ON SECONDARY EDUCATION

Auditorium — Library Building

MR. G. L. PORTER, *Presiding*

Thursday — 4:00 P. M.

General Session

Library Auditorium

MR. S. E. DUNCAN, *Vice-President, presiding*

Report of Committee on Nominations ..... Mr. Winston Douglas
Chairman

Report on the Relationships in Educational Reconstruction ..... Dr. Thomas H. Henderson
Dean, Virginia Union University

Committee on American Council on Education ..... Dr. V. E. Daniel, Chairman

Committee on Accrediting ..... Dr. F. G. Clark, Chairman

Thursday — 7:30 P. M.

Institute Cafeteria

Banquet Session of the Association

(Formal attire preferred but not mandatory)

PRESIDENT ROBERT P. DANIEL, *Presiding*

Music—Arranged by the Prairie View College Music Dept.

Presentation of New College Presidents and New High School Principals

Installation of Officers

Music

Banquet Address—Mr. James C. Evans
Acting Civilian Aide to the Secretary of the Army

▼

Friday Morning — 9:00 - 11:00

Library Auditorium

General Session

MR. S. E. DUNCAN, *Vice-President, presiding*

Address—"Salaries and Teachers' Unions as Significant Issues in Education Today"—Dr. L. F. Palmer
Hampton Institute

Report of the Commission on Secondary Education

Report of the Commission on Higher Education

Report from the Southern Association of Colleges and Secondary Schools—Dr. J. H. Highsmith
or representative

Committee on Auditing and Budget—Dr. R. E. Clement, Chairman

Committee on Time and Place ..... Mr. James A. Colston, Chairman

Committee on Resolutions ..... Mr. O. R. Pope, Chairman

Eleven O'Clock

College Assembly

Gymnasim — Auditorium

PRESIDENT ROBERT P. DANIEL, *Presiding*

Music ..... Arranged by Prairie View College Music Dept.

Address ..... Dr. Albert W. Dent
President, Dillard University

The College has arranged for a tour of the campus and inspection of the facilities of the institution for those delegates who desire to take advantage of this opportunity to view the College at work. Assemble in front of the library at 2 o'clock.

Officers of the Association

President ..... ROBERT P. DANIEL
President Shaw University, Raleigh, North Carolina

Vice President ..... S. E. DUNCAN
Supervisor Negro High Schools in North Carolina

Vice President ..... ALBERT W. DENT
President Dillard University, New Orleans, Louisiana

Secretary-Treasurer ..... L. S. COZART
President Barber-Scotia College, Concord, North Carolina

Chairman Commission on Higher Education ..... JOHN B. CADE
Dean Southern University, Baton Rouge, Louisiana

Chairman Commission on Secondary Education ..... G. L. PORTER
Principal Lincoln High School, Tallahassee, Florida

Committees

ACCREDITING

Felton G. Clark, *Chairman*
A. G. Macklin L. S. Cozart S. E. Duncan

AUDITING AND BUDGET

R. E. Clement, *Chairman*
R. B. Bryant C. W. Seay K. W. Green

AMERICAN COUNCIL ON EDUCATION

V. E. Daniel, *Chairman*
Charles H. Thompson George C. Grant

NOMINATIONS

Winston Douglas, *Chairman*
John F. Potts Mother M. Agatha C. C. Moseley

RESOLUTIONS

O. R. Pope, *Chairman*
R. T. Tatum William H. Jones J. B. McRae
T. L. Guthrie Bertram Doyle

TIME AND PLACE

James A. Colston, *Chairman*
H. R. Merry C. L. Williams

General Information

Meals

Meals will be served in the College Cafeteria at the following hours:

Breakfast: 8:00 - 9:00 A. M.

Lunch: 12:00 - 1:00 P. M.

Dinner: 5:00 - 6:00 P. M.

Meals will be served cafeteria style on the "pay as you go" plan. There will, therefore, be no flat fee for meals except for the Banquet Thursday at 8:00 P. M. The Banquet Fee of $1.50 per person is payable at registration time.

Registration and Housing

All requests for housing and any other information should be sent to Mr. G. L. Smith, Prairie View A. and M. College, Prairie View, Texas. Lodging will be $1.00 per night per person.

Transportation

President Daniel has arranged with the Seaboard Airline Railroad for pullman accommodations from all points near the Seaboard route from Washington to Houston. These reservations will be through reservations from the point of boarding to Houston and return. Anyone not receiving announcement should write immediately to Mr. C. G. Ward, Assistant General Passenger Agent, Seaboard Airline Railroad, Raleigh, North Carolina.

Be sure to write to Mr. G. L. Smith at Prairie View indicating the time that you expect to arrive at Houston. The College will endeavor to make arrangements for transportation from Houston to Prairie View (45 miles).

A.F.S.C.

SUMMER SERVICE PROJECTS

1947

AMERICAN FRIENDS SERVICE COMMITTEE

THE WAR DEPARTMENT tells us that it is impossible for us to provide for our national defense without military conscription. We must condition the thinking and the acting of our young people so that when danger comes, their response will be pre-determined. They will fly to arms and protect our land. Perhaps they are right; it may be that we cannot secure the number of recruits that are judged to be necessary by the War Department without conscription. But there can certainly be no more obvious confession of the appalling and tragic weakness of our case as a nation if that is true. If volunteers do not sufficiently believe in our country to defend it, then our morale is low and no conscription measure will raise it.

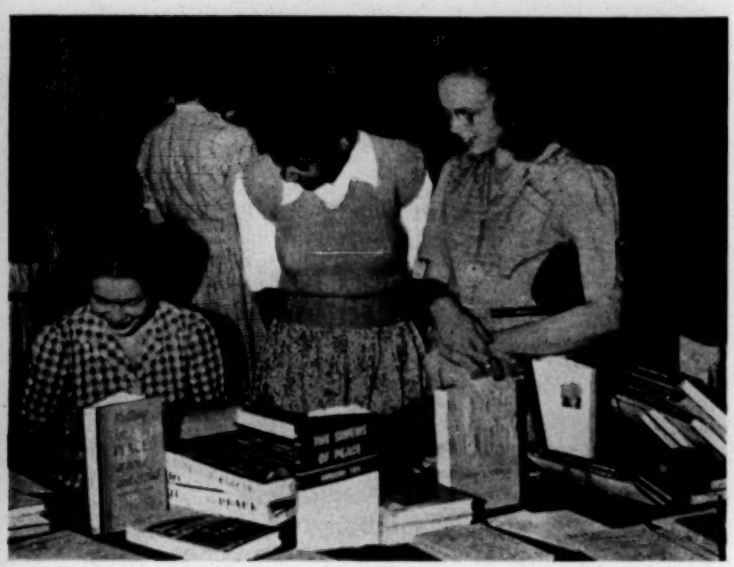
The army of volunteers which is called for by the projects in this statement come forward on an entirely different basis. Their response is based on a desire to serve the social, cultural and spiritual needs of people. Our projects in the United States are designed to create understanding between groups within our country; for those outside this country it is hoped that they will build bridges of understanding and fellowship which will make the *world* secure—not just our country.

In contrast to the call of the country for military conscription for unwilling defenders, we call for volunteers to whom we offer nothing but a chance to work hard, study vigilantly and try to understand others. For it they receive no compensation, but for the most part, pay their own costs. It is the kind of call that pulls forth people to religious missions abroad and to commitments to other high enterprises. It is building one world; it is building the Kingdom of God; it is the highest patriotism.

Clarence E. Pickett

Executive Secretary

PEACE CARAVANS



Caravaners are thoroughly trained by experts in techniques of peace education.

"Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed." This statement in the Constitution of the United Nations Educational, Scientific and Cultural Organization indicates the urgency of and the opportunity for peace education in these days. Students in caravans traveling over an area, or located in one community for seven weeks in the summer can make a significant contribution to this work. Using all types of educational methods, such as radio, films, drama, discussion and study groups, they seek to arouse interest and concern in the problems of securing a peaceful world, and to help community groups and individuals to find ways to turn their concern into effective action.

A Training Institute for all caravaners working east of the Rockies will be held in Ohio or Indiana, from June 20 to 28. For caravans working on the west coast, a training institute will be held in connection with the Institute of International Relations at Whittier College, Whittier, Calif., June 29 to July 7.

Caravans, composed of from three to five men and women, will work in communities in the following areas: New England, Middle Atlantic, North Central, Middle West and West Coast. One or two caravans will, for the fourth year, visit summer camps in Michigan.

DATES: For Caravans east of the Rockies: June 20 to August 15. For caravans on the west coast: June 29 to August 20.

FEE: $90. Some scholarship aid is available.

Radio is one medium used by caravaners to stimulate interest in peace.

WORK CAMPS

The American Friends Service Committee sponsors work camps in areas of social tension and economic need in the United States. This summer young people who participate in the camps will work together with the residents of nine different communities in building playgrounds, recreation centers and school buildings; in repairing homes and various community facilities; and in initiating health and recreational programs. In addition, campers have a chance to gain insight into some of America's most pressing problems by living and working with people in areas where these problems are prevalent, and by discussing community affairs with local leaders. Frequent exploratory field trips and recreational activities are planned by the campers, and daily group meditation helps them to relate their new experiences to their lives.

Amateur masons build understanding and friendship as well as walls.

The work camps are co-educational, and like all the projects of the AFSC, interracial. Campers participate in the operation of the camps by sharing in the planning and direction of the work, and by performing the household tasks together.

The camp fee is $100. Anyone who would like to attend a work camp, but cannot afford to pay the fee, is urged to apply for scholarship aid. A deposit fee of $5 must be made when an applicant is accepted. This fee is part of the total camp fee and will be refunded if the applicant withdraws not later than one week before the opening of camp.

The camps open June 27 and close August 22.

Building Cooperation

For two summers, work campers at **Stonington, Maine,** have worked with the Health Committee in this geographically and culturally isolated sea coast village. They have attempted to draw together the various factions of the town by encouraging them to participate in a recreation program for young people. Last summer a building was repaired in which the young people could carry on social, community and recreation activities. This summer campers will make permanent improvements on the recreation building and will help to establish a pattern of community responsibility designed to insure continuing recreational activities for the young people.

SIZE: 10 men and women

Aiding Education

In the Clinch Mountain Community, **Grainger County, Tennessee,** 52 children attend school in a 20′ x 30′ one-room schoolhouse. The entire county has $1800 per year to spend on repairs for their 48 school buildings. The work campers will help the Clinch Mountain Community to build a two-room schoolhouse with a kitchen for a hot lunch program and an adequate playground.

(Co-sponsored with the Save the Children Foundation, New York)

SIZE: 10 men and women

Helping 'Neglected Area' Residents

Most of the people of **Ottumwa, Iowa,** make their living by working in the railroad business or the meat packing industry. Great gaps in social and economic conditions exist between workers and employers. Recently 500 people living in Central Addition, one of the neglected sections of the city, formed the Island Council to press for civic improvements and community recreational facilities. Work campers will help the community build a play area and a center for community meetings and winter recreation.

SIZE: 12 men and women

Youth Rehabilitation

In **Phoebus, Virginia,** work campers will remodel an old store building to be used as a recreation center for the young people in the Negro community, which forms about half the population of the town. Campers will also work on a nearby playfield and support the efforts of local leaders in carrying out a much-needed recreational program in this community. Campers will live on the campus of Hampton Institute.

(Co-sponsored with the Fellowship of Southern Churchmen)

SIZE: 8 men and women

Everyone pitches in to help clean up this vacant lot.

Self-Help Home Improvement

Work campers will continue the same type of work done by two previous summer work camps and winter week end work camps in **Chicago, Illinois.** This consists of helping low income families in the interracial area of Near Northside Chicago paint, plaster, paper and improve their homes. Campers will also participate in the work of various social service agencies operating in the community.

(Midwest Branch, AFSC, 189 West Madison St., Chicago 2, Illinois)

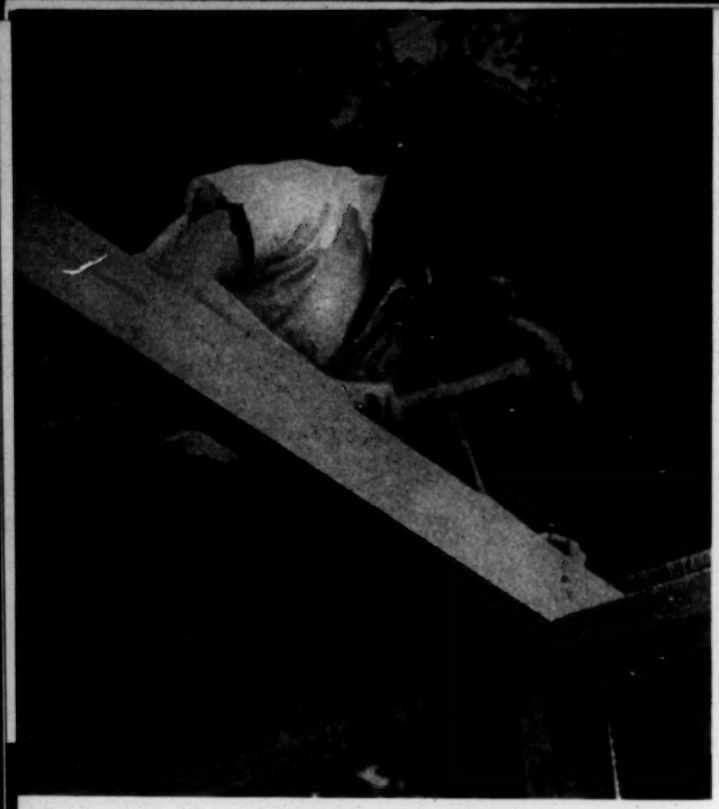
SIZE: 15 men and women

Neighborhood Organization

Last summer, campers, working through the **Detroit, Michigan,** Council of Social Agencies, organized community activities in several Western District communities around "tot lots." These were vacant lots which were turned into playgrounds for children. Older children and parents built the playground equipment; parents furnished some funds and supervised playground activities. Outdoor movies were held in the "tot lots" in the evenings. The same approach to neighborhood organization will be followed again this year.

(Co-sponsored with the Detroit Council of Social Agencies)

SIZE: 12 men and women



This building will make possible a hot lunch program for a rural school.

Health Education

Spanish-speaking Americans, comprising one-third of the population of **San Antonio, Texas,** live in a section of the city with few sanitation facilities, few paved streets, completely inadequate housing and an extremely high infant mortality rate, due mainly to diarrhea. Work campers will join other community agencies in trying to combat diarrhea in the area by screening houses, privies, teaching mothers sanitary ways of preparing food for their babies and collecting data for a sewage disposal program. Campers may also help build workshops to house a native crafts program, which is being started by the Mexican Christian Institute. This work camp offers Spanish students an unusual opportunity to be of service in a community where the majority of the population speaks only Spanish.

SIZE: 10 men and women

Building Security

In southeast **Missouri,** at **Lilbourn,** 450 evicted sharecroppers are living in nine former Farm Security Administration housing projects called the Delmo Group Labor Homes. A non-profit organization, Delmo Housing Corporation, has taken over the housing projects and is making home ownership possible for the former tenants. Work campers will help one or two of these projects to convert FSA office space into community rooms, where the residents can gather socially and work out their common problems. A similar project was carried on last summer.

SIZE: 12 men and women

Community Integration

Work campers will assist a Presbyterian mission in enlarging its recreational facilities for 4000 Spanish-Americans in **San Gabriel, California.** At the same time, campers will study the problem of integrating the Spanish-Americans with the rest of the community and will train local leaders to carry on winter recreational programs. Campers with some knowledge of Spanish would be exceptionally helpful in this project.

(Southern California Branch, AFSC, 426 N. Raymond Ave., Pasadena 3, Calif.)

SIZE: 15 men and women

DATES: June 30 to August 23

Campers supervise children's play in city "tot lot."

INTERNESHIPS

Interne projects combine actual work in a given field with discussions of its problems by experts with study, field trips, supplementary reading and talks by educational and religious leaders. The projects are designed for those who wish to gain some pre-professional experience or wish to acquire a well-rounded picture of a particular social or economic situation. Such a work and study technique enables young people to discover for themselves a moral and religious basis for their opinions on important issues.

Two types of Interne projects will be offered this summer: Interne-In-Industry and Interne-In-Cooperatives.

Interne-In-Industry, Philadelphia: In the Interne-in-Industry project students will secure their own job in an industry at prevailing wages. Members will live together cooperatively while working and studying and will contribute $11 weekly for living expenses. This is a year-round project, but a special summer unit will begin June 27 and end September 5.

SIZE: 20 men and women

Interne-In-Cooperatives, Minneapolis, Minnesota and **New York City:** Students who participate in this project will have an opportunity to work in several phases of a cooperative program; that is, in wholesale, retail, producer and educational work. Lectures and study help to give an all-round picture of the cooperative movement in the United States.

The salaries of the entire group will be pooled to pay living expenses; therefore, each unit member will have an opportunity to do some volunteer educational and promotional work for the cooperatives. Internes will live in a Negro settlement house in Minneapolis, where a similar project was held last summer.

DATES: June 27-September 5

SIZE: 12 men and women for each unit

Students from all over the world have outdoor class in international relations.

INTERNATIONAL SERVICE SEMINARS

The most important task of our day is building a peaceful world. To obtain such a world, the people of all countries must realize the need for peace, must have attitudes on which peace can be built and must have enough information about world situations and their implications to know how to solve particular problems.

International Service Seminars bring together representatives of many different nations and cultures who are studying in the United States for seven weeks of cooperative living and studying. Students have an opportunity to explore together with a faculty of experts the possibilities of building a peaceful world, and together they can seek the spiritual, intellectual and moral resources necessary for the creation of such a world.

It is expected that one seminar will be held in each of the following areas: New England, Middle Atlantic, Middle West, South West and the West Coast. The dates will be announced later.

FEE: For seven weeks, $100, including room and board, but not transportation. Anyone interested should not hesitate to apply because of the expense involved. Some scholarship aid is available.

INSTITUTIONAL SERVICE UNITS

Institutional Service Units were started by the AFSC after the Committee became aware of the need for personnel in our state institutions. That need is still great. However, the value of ISU has expanded to cover public education in supporting progressive administrators and study of social conditions promoting maladjustments as well as prevention.

Through ISU, young people serve as attendants, assistant recreational and occupational therapists, cottage supervisors, office workers and in other positions in mental hospitals or reformatories. They receive the prevailing wage for their work and live in the homes furnished for employees by the institution.

Although experience and training in a specific field is an asset, it is not required. Jobs will be rotated in order to give the unit members varied experience.

Members of the staffs of the institutions give about 30 hours of lectures, or its equivalent, to the unit members on the care of the mentally ill or on reformatory methods. In addition, speakers from various professions and backgrounds visit and speak to the unit.

CONTRIBUTION: Unit members contribute $10 to $18 to the budget of the ISU, depending on their length of service. This amount is payable in monthly installments.

DATES: Although applicants may join at any time, the large summer units open approximately June 15. Members may join the mental hospital units for a period of not less than two months and may join the reformatory units for a period of not less than three months.

SIZE: In mental hospitals, 10-30 men and women.

In women's reformatory, 10 women.

In boys' reformatory, 8 men.

Mental Hospitals

Rockland State Hospital, Orangeburg, N. Y.: Following a summer and a winter unit, another unit will be held at Rockland State Hospital, which has 6000 mental patients. The hospital needs attendants, assistants in occupational and recreational therapy, nurses, laboratory assistants and clerical workers. The salary is $95 per month plus maintenance, and unit members work 8 hours per day.

New Jersey State Hospital, Trenton: Units have been held at the New Jersey State Hospital for the past year. This hospital has 4200 mental patients and needs attendants, assistants in recreational therapy, nurses, laboratory assistants and clerical workers. Unit members are on duty for 12 hours each day with one and one-half hours off for meals and two hours off for rest during the day. The salary is $100 per month.

A Mental Hospital, Pennsylvania: A unit similar to the above will be held in a mental hospital in Pennsylvania this summer.

Reformatories

New Jersey State Reformatory for Women, Clinton Farms: This reformatory has 500 residents from 16 years of age up, and there are 30 to 60 babies under two years of age in the nursery. The reformatory needs assistant cottage matrons, teachers, clerical workers, dietitians, nurses and nursery workers. The salary is $70 per month plus maintenance. Unit members work 12 hours per day, with one and one-half hours off for meals and two hours off for rest during the day. Units have been held at Clinton Farms for the past year.

A Boys' Reformatory, New Jersey: A similar unit will be opened in a boys' reformatory, probably in New Jersey, this summer.

MEXICAN SERVICE PROJECTS

Young men and women have been working with the people of Mexico on a variety of health, recreational and community projects since 1939. Four projects are offered this summer. Students who share in this work have an opportunity to help directly where help is needed and to build understanding between the people of Mexico and the people of the United States. A special pamphlet entitled "A Friendly Service in Mexico" is available to those who wish a detailed account of this program.

Short-term Summer Projects

Toluca, Mexico: A group of women are invited back to Toluca, where a project was undertaken last year, to carry on a variety of service projects under the direction of the Departments of Public Health and Education. Work will include helping in the clinic and hospital, visiting homes with the nurses, teaching language and leading recreation.

Mexican child receives inoculation by AFSC worker in a village street.

Taxhay, Hidalgo: A small number of men will return to this remote Indian village to continue helping the teacher to improve the school facilities, and to share in the village life. Last summer the unit members helped the villagers to enlarge the school playground.

Year-Round Projects

Tetelcingo, Morelos: Members of this unit are working primarily in the clinic, under the Department of Public Health. They also help with other community activities in education and recreation. Several women can be added to this group for the summer weeks.

Yautepec, Morelos: The boys and men in Yautepec are working on projects in public health engineering. They also help provide recreation leadership and assist in the Department of Education program of teaching illiterates to read and write. Several young men may join this group during the summer.

DATES: For the short-term summer projects, about June 25-August 20.

FEE: For the short-term projects, $125. For those who stay in the work for three months or longer the fee is $45 per month.

Quaker International Voluntary Service

The AFSC plans to sponsor international work camps in Finland, Italy, and perhaps other countries this summer. These service units will be organized on the same plan as the AFSC work camps in this country. Young people from America and Europe will work on the repair and rebuilding of homes and community facilities.

About 50 volunteers from the United States will be accepted for this service. Preference will be given to those with previous experience in AFSC projects and with language skills. Estimated cost, including transportation and maintenance, is $600. Some scholarship aid is available.

INSTITUTES OF INTERNATIONAL RELATIONS

Enduring peace must be a grass-roots movement, arising out of the life and thought and determination of ordinary citizens. With this realization, the American Friends Service Committee sponsors Institutes of International Relations each summer directed toward informing the American people about the problems of peace and the causes of war and stimulating discussion and action on these issues.

Twelve Institutes will be held this summer featuring recognized authorities on international questions, leaders in domestic affairs, educators and religious leaders as faculty members. These Institutes are designed primarily for community leaders—teachers, ministers and club and labor leaders. College and university students are particularly welcomed.

Complete programs for each Institute will be available in May.

Location	Dates
Drake University, Des Moines, Iowa	May 31-June 7
Friends University, Wichita, Kansas	June 6-15
Texas Institute: Dallas	June 12-15
Austin	June 16-19
Reed College, Portland, Oregon	June 15-22
Women's College, Greensboro, North Carolina	June 16-20
Helen Bush School, Seattle, Washington	June 15-24
Mills College, Oakland, California	June 22-July 1
Wellesley College, Wellesley, Massachusetts	June 24-July 2
Whittier College, Whittier, California	June 29-July 9
Antioch College, Yellow Springs, Ohio	July 3-13
Albright College, Reading, Pennsylvania	August 15-24

New York State Institute: Location and dates to be announced.

JUNIOR SERVICE PROJECTS

Projects for students 15 years of age or through the second year of high school are planned in work camps, Institutes of International Relations and Mexican Service projects, similar to those described in this pamphlet. If you are interested, send for the separate folder listing these projects.

COLLEGE CREDIT

During the 12 years that the AFSC has sponsored work and study projects for young people, many colleges have given college credit in economics, sociology, religion, psychology and political science for this work. College students should consult their deans or major professors about this possibility.

INFORMATION

For further information regarding the projects described in this booklet, application blanks, and information about any other projects of the American Friends Service Committee, write to the national office at 20 South Twelfth Street, Philadelphia 7, Pa., or to one of the following branch and area offices.

BRANCH OFFICES

MIDWEST BRANCH
189 W. Madison Street
Chicago 2, Illinois

NORTHERN CALIFORNIA BRANCH
1830 Sutter Street
San Francisco 15, California

SOUTHERN CALIFORNIA BRANCH
426 N. Raymond Avenue
Pasadena 3, California

SEATTLE OFFICE
3959 15th Avenue N. E.
Seattle 5, Washington

AREA OFFICES

NEW ENGLAND AREA
1374 Massachusetts Avenue
Cambridge 38, Massachusetts

MIDWEST AREA
918 Locust Street
Des Moines, Iowa

NORTH CENTRAL AREA
12 N. Third Street
Columbus 15, Ohio

NORTH CAROLINA AREA
Box 27, Women's College
Greensboro, North Carolina

KANSAS AREA
Friends University
Wichita, Kansas

SOUTHWEST AREA
University Y.M.C.A.
Austin 12, Texas

MIDDLE ATLANTIC OFFICE
20 S. Twelfth Street
Philadelphia 7, Pa.

AMERICAN FRIENDS SERVICE COMMITTEE

20 SOUTH TWELFTH STREET **PHILADELPHIA 7, PENNSYLVANIA**

The American Friends Service Committee for many years has been experimenting with techniques which will enable young people to know and understand fully the world about them. With a philosophy based on respect for the personality of the individual and belief in the power of love to overcome prejudice and suspicion, the AFSC goes into areas of social or economic tension all over the world with material aid and a sense of human fellowship in an effort to promote peace. The Committee attempts to bring into focus the real causes of distress, and through experiments based on love of service for one's fellow man, to point ways which will erase the causes of misery and hatred.

Although the Committee's work is small in the face of the world's great need, it is a symbol of the desire of thousands of people to help those who suffer.

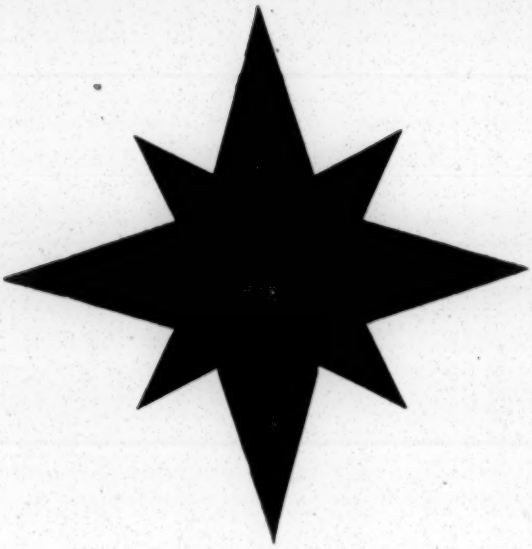
AMERICAN FRIENDS SERVICE COMMITTEE
20 SOUTH TWELFTH STREET
PHILADELPHIA 7, PENNSYLVANIA

No. 349 24M 2-47 SE

VOLUNTEER SUMMER PROJECTS

FOR HIGH SCHOOL STUDENTS

1947



- WORK CAMPS
- INSTITUTES OF INTERNATIONAL RELATIONS
- MEXICAN SERVICE SEMINARS

AMERICAN FRIENDS SERVICE COMMITTEE

20 SOUTH 12th STREET PHILADELPHIA 7, PENNSYLVANIA

WHAT IS A WORK CAMP?

The summer work camps of the American Friends Service Committee aim to serve a needy community in a practical way; to give young people a chance to learn first hand some of the basic causes of racial or religious intolerance, economic or social insecurity; and to give the students themselves a chance for growth, for learning new attitudes by living and working with people of different races and from various social and economic backgrounds.

The work camp itself is composed of a group of boys and girls between the ages of 15 to 18, who with a staff of four or five people, spend eight weeks working together with the residents of a community carrying out a practical program for the use of the community.

Campers perform the household tasks of the camp cooperatively, take field trips to places of interest nearby, take part in various recreational activities, discuss with local leaders the special problems of the community, and worship together.

The building of community facilities is not the only task of a work camp—another important task is to rebuild attitudes. If you live in a situation, you understand it better. If you work with a person, you begin to judge him by his skills, his cooperativeness, his abilities. Intolerance finds no place in a group whose main purpose it is to build a house, a church or a playground for children. And in that building of playground or church, understanding and good will are constructed; the very foundations of peace are laid.

WHAT IS AN INSTITUTE?

For those high school students who can have fun with other teen-agers from different cities and towns discussing social, political, economic and spiritual problems of our world, the American Friends Service Committee sponsors each summer high school Institutes of International Relations across the country.

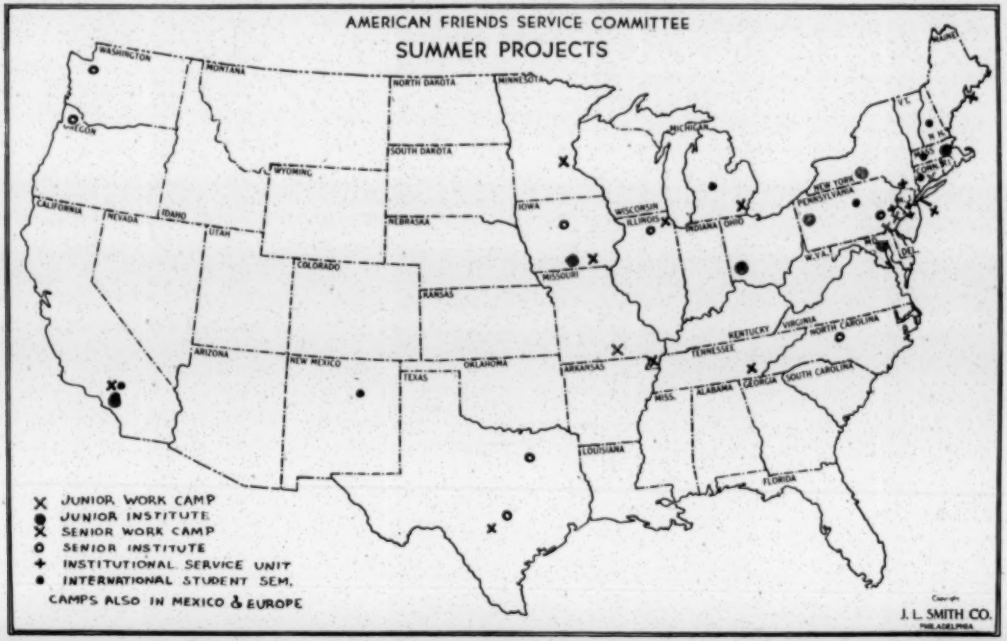
Sons and daughters of miner and astronomer, doctor and pullman porter seek answers to questions raised by world problems. They live, play and think together during the time they discuss topics like: "Who's Kidding Whom?" in international affairs, "One Family: Approaches to Intergroup Understanding," or "The Offense of the Spirit."

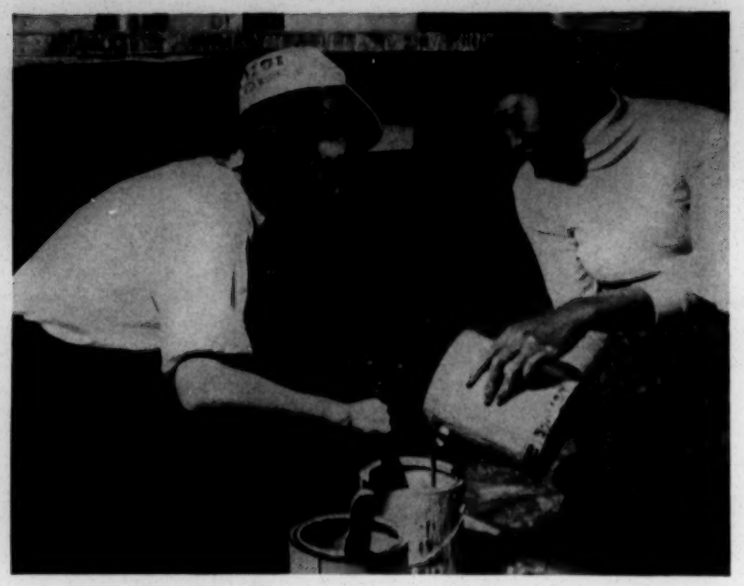
Well-known authorities on international affairs and human relations are available to the delegates as consultants or resource people. Resource leaders listen to questions raised by the delegates and to the solutions they propose, then informally discuss approaches and answers.

Although faculty members help answer questions and guide the thinking of the young people, delegates in many of the Institutes develop their own solutions to these problems through discussion groups set up and led by fellow students. In some of the Institutes the familiar pattern of lecture and forum with adult-led round table discussions is followed. Some Institutes experiment in democratic living as well as talk about it. Delegates regulate their own living conditions, plan their recreation, and administer camp chores. In all instances, a staff of college-age young people and adults help in carrying out the program and sharing in discussions of policy.

VOLUNTEER SUMMER PROJECTS FO

OR HIGH SCHOOL STUDENTS 1947





FOREWORD

Did you ever hear of a sharecropper? Do you know anything of the life of a migrant laborer? Do you have racial or religious prejudice in your town, or haven't you noticed any?

And what do you think about Russia? Do you think the United Nations will be able to maintain peace? What should the United States do about the homeless, starving people of Europe and Asia?

Are your opinions of these issues based on facts, or on things you "just heard"?

The American Friends Service Committee, through its summer voluntary service projects, offers you an opportunity to explore some of these problems.

WORK CAMPS are located in areas of social or economic need in the United States, and give you a chance to do some useful work as well as to learn the basic causes of some of our social problems.

INSTITUTES OF INTERNATIONAL RELATIONS provide ten days' discussion of international and domestic affairs with well-known authorities as faculty members.

MEXICAN SERVICE SEMINARS combine recreational, educational and health services with study of Mexican culture, problems and the Spanish language.

In all these projects, students are given the experience of living, working and studying together with people of all races, religions and nationality backgrounds. Participation in group worship and meditation is an important part of every AFSC project.

1947

VOLUNTEER SUMMER PROJECTS

For HIGH SCHOOL STUDENTS

WORK CAMPS

Four work camps are planned for high school students this summer. Descriptions of these projects follow.

BUILD A SUMMER CAMP

For the second year campers will work with the Dixwell Community Center, NEW HAVEN, CONNECTICUT, in developing adequate summer camp facilities for Negro children at Camp Holly Ridge, 10 miles east of New Haven on Long Island Sound. This year campers will build a library and a laundry, and will help with the camp recreation and activities program.

SIZE: Eight boys, eight girls and staff.

BUILD A COMMUNITY CHURCH

In PAOLI, PENNSYLVANIA, 12 Negro families, through the Golden Thread Club, have bought their homes cooperatively and are now remodeling their

General Information About Work Camps

WHO SHOULD APPLY: High school boys and girls between the ages of 15 and 18 of any race, nationality or religious background.

HEALTH: Each student must be inoculated against typhoid fever before arriving at camp. A nurse or other medical personnel and facilities will be available in each camp.

LEADERSHIP: The camp staff will include: (1) a married couple directing each camp; (2) a boys' and a girls' counsellor; (3) a trained dietitian in charge of meals. All members of the staff are carefully selected for their training and abilities in working with young people.

COST: $125.00.

DEPOSIT FEE: A deposit fee of $5.00 must be made when the applicant is accepted. This fee is part of the total camp fee. It will be refunded if the applicant withdraws his application not later than one week before the opening of camp.

SCHOLARSHIPS: A limited number of camp fee scholarships are available for qualified students otherwise unable to attend.

DATES: June 27 - August 22.

SUPPLEMENTARY ANNOUNCEMENTS for each camp giving more detail about leadership, housing and projects will be available later.

FILM SLIDES AND MOVIES, in color and black and white, with explanatory narratives, are available on request.

INSTITUTES of INTERNATIONAL RELATIONS

Eight Institutes of International Relations are planned for high school students this summer. These Institutes bring well-known authorities on world affairs and human relations to discuss with students international and domestic problems for approximately ten days.

Schedules and programs vary with specific Institutes. In some cases the youth Institute is held in conjunction with an adult Institute, with faculty members being shared with the high school students. In other areas, the high school Institute is completely separate, held at a camp or on a college campus. The program, in general, is as follows:

After beginning the day with a worship service, there are lectures and discussion in the morning; the afternoon is free for recreation; the evening is given over partly to serious discussion and partly to games, folk-dancing or singing. Depending on the Institute they attend, delegates may swim, climb mountain trails or ride horseback.

Institutes for high school students will be held this year at:

1947

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For HIGH SCHOOL STUDENTS

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BUILD A COMMUNITY CHURCH

In PAOLI, PENNSYLVANIA, 12 Negro families, through the Golden Thread Club, have bought their homes cooperatively and are now remodeling their homes and trying to build up their community through cooperative efforts. Work campers will help the residents to build a community church, and to remodel some houses.

Held in cooperation with the Evangelical and Reformed Church.

SIZE: Ten boys, ten girls and staff.

BUILD MORE BEAUTIFUL HOMES

Campers will work in the southside area of MEDIA, PENNSYLVANIA helping the South Media Playground Association in a block improvement program among Negro families. Campers will help the residents plant flowers, clean yards, paint, plaster and paper their homes, do necessary repairs and generally improve the surroundings. They will also help to paint and repair the Media Fellowship House.

SIZE: Ten boys, ten girls and staff.

BUILD A BRIDGE

Campers in SHANNON COUNTY, MISSOURI, on the edge of the Ozarks, will help build two concrete fords, or low water bridges, to make transportation in and out of the community possible even in bad weather. Campers will also help to improve approximately three miles of road in the county, help build a community center, and improve the water supply for a nearby school.

Held in cooperation with the University of Chicago Laboratory High School.

SIZE: Eight boys, eight girls and staff.

General Information About Work Camps

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HEALTH: Each student must be inoculated against typhoid fever before arriving at camp. A nurse or other medical personnel and facilities will be available in each camp.

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MEXICAN SERVICE SEMINARS

Since 1939 men and women have worked with the American Friends Service Committee in Mexico in service projects designed to increase good will and understanding. Their work has centered around public health and education. They have helped to build model homes, school houses, a cotton gin; have assisted doctors and nurses in clinics, and have organized recreation programs for children. Groups are now at work in the states of Morelos and Hidalgo with opportunities open to both men and women.

During the summer of 1947 there will be projects for boys of high school age and projects for men and women of college age or older. Projects will open about June 25 and close around August 20. The cost (not including transportation) is $125.

A detailed pamphlet, "A Friendly Service in Mexico," is available on request.

For further information about any of these projects, or other projects of the AFSC, write:

AMERICAN FRIENDS SERVICE COMMITTEE

20 South 12th St., Philadelphia 7, Pa.

INSTITUTES of INTERNATIONAL RELATIONS

Eight Institutes of International Relations are planned for high school students this summer. These Institutes bring well-known authorities on world affairs and human relations to discuss with students international and domestic problems for approximately ten days.

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Institutes for high school students will be held this year at:

LOCATION	DATES
Camp Corondowanna, Zelienople, Pa. (near Pittsburgh)	June 22-29
Mills College, Oakland, Calif.	June 22-July 1
Wellesley College, Wellesley, Mass.	June 24-July 2
Whittier College, Whittier, Calif.	June 29-July 9
William Penn College, Oskaloosa, Iowa	June 30-July 6
Antioch College, Yellow Springs, Ohio	August*
Camp Chesapeake, North East, Md.	August 14-21
Camp Danby, Tompkins County, N. Y.	August 24-31

* Specific dates upon request.

FEE: $25.00. Some scholarship aid is available.

The American Friends Service Committee represents the Religious Society of Friends (Quakers) in national and international fields of social action. The Committee was founded in 1917 to carry on relief and post-war reconstruction in Europe. It has since been engaged in many projects here and abroad to promote international, industrial and interracial understanding, and to offer opportunities for constructive service, participated in and supported by Americans of all faiths.

At the present time the Committee is engaged in relief and rehabilitation work in eight European countries as well as in China, India and Japan. Besides its many educational projects for young people, the Committee's program also includes a self-help cooperative housing project in western Pennsylvania, work in economic relations and race relations, work with prisoners and peace education. All of these projects are carried on without regard to race, creed or color.

All of the Committee's work is rooted in two fundamental Quaker principles: respect for the personality of the individual and confidence in the creative power of love to remove prejudice and suspicion, and thus take away the need for strife and misery.

No. 351—15M—3/47—SE

Antioch College

February 3, 1948

Miss Esther Oldt
Associate Personnel Director
Antioch College
Yellow Springs, Ohio

Dear Miss Oldt:

I am embarrassed to have to answer your letter of January 29 in almost the exact way that I answered a similar one four or five months ago. We still don't have enough money to do the things I want to do, one of which is definitely to be a repository for an Antioch student much of the time.

When my ship comes in, I will write you for help. Meanwhile, it is far from harbor--a good many thousands of dollars away for the 1948 budget.

I am sorry that on this account I can't plan to use Miss Engel.

Sincerely,

George S. Mitchell
Executive Director

GSMjeb

ANTIOCH COLLEGE
YELLOW SPRINGS
OHIO

PERSONNEL DEPARTMENT

January 29, 1948

Dr. George S. Mitchell, Director
Southern Regional Council
63 Auburn Avenue, N. E.
Atlanta, Georgia

Dear Dr. Mitchell:

When we last discussed the possibility of your using Antioch cooperative students in your office, you thought it might be possible for you to continue the program in 1948. I am, therefore, writing to inquire about such a possibility for one of our social science students who wants to take a job at the end of March, which is the beginning of our next work period.

Miss Rosa Engel is a senior student who has been majoring in sociology and most recently has been working with Professor Stevens on a book dealing with civil liberties in the South. She has done considerable research on this subject and spent ten days during her last work period at Highlander Folk School, attempting to determine some of the conditions about which she was concerned. She is now autonomously carrying several courses which are directly related to this topic, in order that she will be able to complete a good share of the writing of several chapters.

The kind of projects which you discussed with Mr. Dawson last spring, including social and economic studies pertaining to conditions in the South as related to housing, health, farm ownership, vocational education, and the like, would be of real interest to Miss Engel. She could be of real value in assisting in the research necessary in dealing with these problems and would greatly appreciate an opportunity to work with your Council. At the present time, Miss Engel's interest is in the freedom of the press and of speech as it exists today in the South and the various forces of reaction and of progress that are evident.

It is hoped that you will be in a position to consider an Antioch student and that a mutually satisfactory arrangement can be made to begin on March twenty-ninth. We will look forward to hearing from you with regard to this matter. If there is any further information which you would find helpful in making a decision, please do not hesitate to request it.

Thank you for your interest and cooperation,

Sincerely yours,

Esther Oldt

Esther Oldt
Associate Personnel Director

EO:ps

a.v.c.

THE AMERICAN VETERANS COMMITTEE

INCORPORATED

To Achieve A More Democratic And Prosperous America And A More Stable World

ATLANTA AREA CHAPTER — BOX 1321, ATLANTA 1, GEORGIA

February 12, 1948

Dr. George S. Mitchell
President, Southern Regional Council
Wesley Memorial Building
Ivy St. and Auburn Ave.
Atlanta, Georgia

RECEIVED
FEB 14 1948
Southern Regional Council

Dear Dr. Mitchell:

The members of the Atlanta Area Chapter of the American Veterans Committee have asked me to express their grateful appreciation to you for your very fine talk, "Sub-regions of the South", on January 28.

The wealth of information in your very interesting presentation has given all of us a new insight into the problems confronting us, and a lead to the method of approaching the solution to these problems.

It is always a pleasure to hear you speak, and we hope you will be our guest many times to come in the future.

Sincerely yours,

Arthur J. Levin

Arthur J. Levin
President, Atlanta Area Chapter

al/il

a-
Atkins

March 8, 1948

President F. L. Atkins
The Winston-Salem Teachers College
Winston-Salem, North Carolina

Dear President Atkins:

Thank you for your letter of March 5.

I have written to Mr. Hoyt and shall hope to get the copies in.

The most enjoyable thing about working with the Council is the friendly link it gives us with people of the South.
over

Sincerely,

George S. Mitchell
Executive Director

GSM:eb

D -
Associated Press

March 8, 1948

Mr. W. F. Caldwell
Atlanta Bureau, the Associated Press
Atlanta Journal Building
Atlanta, Georgia

Dear Mr. Caldwell:

This is to express our thanks for the excellent coverage by your bureau of the Southwide Meeting on Human and Civil Rights which took place in Atlanta on February 27.

Our check of publicity has indicated that the AP stories were widely carried, and prominently played, by a great many papers. Further, Mr. Ben Price, who covered the meeting, is to be commended for a fine job of thorough, accurate reporting.

Cordially,

George S. Mitchell
Executive Director

GSM/hf

a -
a.B.c.

American Broadcasting Company, Inc.

30 ROCKEFELLER PLAZA · CIRCLE 7-5700

NEW YORK 20, N. Y.

March 29, 1948

Mr George S Mitchell
Executive Director
Southern Regional Council Inc
Room 432
63 Auburn Avenue N E
Atlanta 3 Georgia

Dear Mr Mitchell:

Mr Saudek has referred your letter of March 16th to me for attention.

We regret our inability to supply copies of the poster and instructions for the "How To Make Democracy Live" contest to the list of names you submitted.

However, I shall be glad to give you the details so that you may pass them on to your other committee members.

Essays are to be written on the subject, "How To Make Democracy Live", and should be 250 words in length. Only one side of the paper may be used and the writing must be legible. Entries are to be sent to Drew Pearson, Box 1622, Washington, D C, not later than April 29th, 1948.

We hope this information will be helpful.

Sincerely

AMERICAN BROADCASTING COMPANY INC

George Olenslager

George Olenslager

a -
American Broadcasting
Company

March 16, 1948

Mr. Robert Saudek, Vice President
American Broadcasting Company
30 Rockefeller Plaza
New York 20, New York

Dear Mr. Saudek:

I shall be grateful for your kindness in sending a copy of the poster and instructions for the "How To Make Democracy Live" contest to the following:

Mr. William H. Gray
Florida Agricultural and Mechanical College
Tallahassee, Florida

Mrs. Warren Zeuch
Vero Beach, Florida

Mr. J. M. Tydings
Lincoln Institute
Lincoln Ridge, Kentucky

Mrs. Hortense Young
The Louisville Defender
418 South Fifth Street
Louisville, Kentucky

The Rev. Mr. H. Brent Schaeffer
1525 Robinson Street
Jackson, Mississippi

Mrs. Ruby S. Lyells
1116 Montgomery Street
Jackson, Mississippi

List (continued)

Mr. James McBride Dabbs
R. F. D. #1
Mayesville, South Carolina

Miss Rebecca Reid
Sumter, South Carolina

Mrs. Eugene Spearman
Algene Acres
Newberry, South Carolina

Dr. A. D. Beittel, President
Talladega College
Talladega, Alabama

Mrs. J. Fletcher McLeod
Brundidge, Alabama

Dr. R. L. Russell
Room 401
63 Auburn Avenue, NE
Atlanta 5, Georgia

Mrs. Herman Heyman
1271 Oxford Road, NE
Atlanta, Georgia

Mr. Cyrus M. Johnson
338 Salisbury Street
Raleigh, North Carolina

Mr. C. C. Spaulding
Box 201
Durham, North Carolina

Dr. Thomas C. Allen
1444 East Main Street, Room 215
Richmond, Virginia

Mrs. James S. Crate
2410 Inwood Drive
Houston, Texas

These persons are officials of our State Divisions and affiliated Interracial Committees.

Sincerely,

George S. Mitchell
Executive Director

GSM:eb

American Broadcasting Company, Inc.
30 ROCKEFELLER PLAZA · CIRCLE 7-5700
NEW YORK 20, N.Y.

RECEIVED
Southern Regional Council

March 5, 1948

Dear Listener:

I should like to tell you about a contest - a contest that should be of intense interest to you as an individual and as one who is vitally concerned with the progress of democratic thinking.

Starting March 21, Drew Pearson, news commentator and analyst over ABC, will launch a contest on: "How To Make Democracy Live." Entries will take the form of letters to Mr Pearson giving everyone an opportunity to express his opinions freely on the subject.

A distinguished Board of Judges will include The Honorable James F Byrnes, former Associate Justice of the Supreme Court and former Secretary of State; The Honorable Tom Clark, Attorney General of the United States; and The Honorable Clare Boothe Luce, noted author and former member of the House of Representatives.

Such a contest will provide an important service to all Americans by helping to make us think about our American heritage. The number of entries to the contest will not be the only effect of the undertaking because many hundreds of thousands of men, women and children who do not submit entries will, nevertheless, be aroused to thinking about the problems involved.

I have therefore taken the liberty of enclosing two posters concerning the contest. I would greatly appreciate your cooperation in having them placed in prominent places.

The contest will be announced on the air during Drew Pearson's broadcast of Sunday evening, March 21, over your local ABC station. We hope you will be listening. In fact, we hope you will consider writing your own views on: "How To Make Democracy Live."

Sincerely

Robert Saudek

Robert Saudek
Vice President

Adult Education Conference
RECEIVED
FEB 23 1948
Southern Regional Council

Announcement

of

THE SEVENTH ANNUAL SOUTHEASTERN REGIONAL CONFERENCE ON ADULT EDUCATION

The Opportunity School of South Carolina
West Columbia, S. C.

April 4, 5, 6, 1948

Sponsored by: The Southeastern Association for Adult Education
The American Association for Adult Education

Tentative Program

Sunday, April 4

2:30 p.m. The Activities of UNESCO
Programs for Adults in International Relations
(Forums on World Peace)
--W. H. Ward, Director, Extension Division, U.S.C., Chairman

7:30 p.m. The United Nations and World Security
--Invited speaker: Dr. Frank P. Graham, President, U.N.C.
(Recently returned from Indonesia)

Monday, April 5

9:30 a.m. The Public School and Adult Education
Vocational Adult Education (Statewide Programs)
--S. C. Brissie, Superintendent of Schools, Woodruff, S. C., Chairman

2:30 p.m. Leadership Training
Teacher Education for Lay and Professional Workers
--W. G. McGlothlin, Chief, Training and Education, TVA, Knoxville, Tenn., Chairman

8:00 p.m. Mass Media of Communication (Demonstrations of new Southern Films)
--Earl Wynn, Director, The Communication Center, U.N.C., Chairman

Tuesday, April 6

9:30 a.m. The Library in Adult Education
The Great Books Foundation
--Mrs. Lois R. Green, Alabama Public Library Service, Chairman

11:00 a.m. Inter-institutional Cooperation
--B. C. Riley, Dean, General Extension Division, University of Florida, Chairman
--Dr. Eugene E. Pfaff, Professor of History, W. C., U. N. C.

1:30 p.m. Business Session
Report of Conference Committees
Election of Officers
--J. R. Morton, Chairman

Local Arrangements

Miss Wil Lou Gray, Director of the Opportunity School, will serve as Chairman of the Committee on Local Arrangements. Please communicate with her regarding reservations.

A limited number of Conference members may secure semi-barracks accommodations and meals at the School, located about six miles west of Columbia, S.C. on the site of the former Columbia Air Base. A flat rate of $9.00 will cover room and board for those who arrive Sunday morning and remain through Tuesday lunch.

Members who wish to stay in Columbia may secure rooms at the Wade Hampton Hotel: single rooms $3.00 and up, double rooms $4.50 and up. The rate for overnight accommodations at the School for those unable to stay for the entire conference will be $1.50 per person, per night. Lunch and dinner will be available at the school at $1.00 each. Transportation will be provided for anyone wishing to commute between Columbia and the School.

The Southeastern Association for Adult Education

Note: Annual membership dues of $1.00 are payable at the time of registration at the Conference.

Officers, 1947-48

Chairman, J. R. Morton, University of Alabama, Tuscaloosa, Alabama
First Vice-Chairman, B. C. Riley, University of Florida, Gainesville, Florida
Second Vice-Chairman, John Osman, Southwestern University, Memphis, Tennessee
Secretary-Treasurer, R. M. Grumman, University of North Carolina, Chapel Hill, North Carolina

Members of Executive Committee (In addition to officers)

Mrs. Jean Ogden, University of Virginia, Charlottesville, Virginia
Eugene E. Pfaff, Woman's College of U.N.C., Greensboro, North Carolina
S. C. Brissie, Superintendent of Public Schools, Woodruff, South Carolina
Frank McCallister, Georgia Workers Education Service, Atlanta, Georgia
Frank C. Willcoxon, J. W. Johnson Y.M.C.A., Vicksburg, Mississippi
Miss Mary E. Keown, Agricultural Extension Service, Talahassee, Florida
Ross M. Trump, University College, Tulane University, New Orleans, Louisiana
Mrs. Lois R. Green, State Public Library Service, Montgomery, Alabama
W. J. McGlothlin, TVA, Knoxville, Tennessee

~~SRC Treasurer~~
~~Cont. Finance~~
A - Miss Armstrong

April 27, 1948

Dear Nannie:

Your contribution to the Council is most welcome and greatly appreciated.

We bump near the financial bottom, and ten whole dollars is quite a lift.

Very many thanks.

Sincerely,

Miss Ellen B. Armstrong
232 Norfolk Avenue
Lynchburg, Virginia

~~SAC Members~~
~~Correspondence~~
A - Misc -
Armstrong

April 29, 1948

Miss Ellen B. Armstrong
232 Norfolk Avenue
Lynchburg, Virginia

Dear Miss Armstrong:

We are deeply appreciative of your gift of ten dollars, sent us recently through Dr. Mitchell. Since the Council's budget is very small, such gifts mean much to us and to the work we have to do. Thank you very much.

Sincerely yours,

(Mrs.) Agnes McKoy
Secretary-Treasurer

AM:s

Miss Ellen B. Armstrong

April 24.

Dear George:

I have some money now; and, as I've been wanting for a long time to give the S.R.C. a little offering, I am sending this on at once before I spend it.

I believe in you and the work you and the Council are doing.

May God richly bless all of you.

With love,

Nannie.

I don't know the name of the Treasurer, so I send to you.

1-A-Amer. Country Life Assoc.

June 23, 1948

Mr. R. B. Corbett
American Country Life Association, Inc.
College Park, Maryland

Dear Mr. Corbett:

Thank you for your letter of June 14 about the talk I am to make at Berea July 13 at 1:30 Pm.

You need not allow me forty-five minutes. I can always say whatever I have in twenty-five or, at most, thirty minutes.

I am collecting material and will try to do you a conscientious job of interpreting what I understand to be labor's policies.

My last meeting with the Country Life Association was in Lexington, Kentucky, in about 1938 and I greatly enjoyed it.

Sincerely,

George S. Mitchell
Executive Director

GSM:eb
Dictated but not signed

AMERICAN COUNTRY LIFE ASSOCIATION, INC.

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National Catholic Rural
Life Conference
Collegeville, Minnesota

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St. Paul 1, Minnesota

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Farmers Home Administration
U.S. Department of Agriculture
Washington 25, D. C.

RAYMOND W. MILLER
American Institute of Coop-
eration, 1302 18th Street, N.W.
Washington 6, D. C.

F. D. PATTERSON
Negro Land Grant College Assn.
Tuskegee Institute
Tuskegee Institute, Alabama

WILFRED SHAW
American Farm Bureau Federa-
tion, 58 E. Washington Street
Chicago 2, Illinois

MILO K. SWANTON
Wisconsin Council of
Agriculture Cooperative
614 Tenney Building
Madison 3, Wisconsin

T. A. TRIPP
Committee on Town and Country
Home Missions Council
287 Fourth Avenue
New York 10, New York

JERRY VOORHIS
Cooperative League of the USA
843 S. Dearborn Street
Chicago 4, Illinois

ORION ULREY, *Exec. Secy.*
Michigan State College
East Lansing, Michigan

O. F. HALL, *Custodian*
Purdue University
Lafayette, Indiana

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RECEIVED
JUN 17
Southern Regional Council

June 14, 1948

Dr. George Mitchell, Director
Southern Regional Council
Rm. 432, 63 Auburn Avenue, N.E.
Atlanta 3, Georgia.

Dear Dr. Mitchell:

It is mighty fine of you to accept the important and difficult spot on the program of the American Country Life Association. Just to verify the wire, the main topic for the afternoon session July 13th is "Labor Policy and Rural America". At 1:30 your topic "What are Labor's Policies and How do They Affect Farm People" is scheduled. Will 45 minutes be sufficient? We have been attempting to get a labor leader to also speak on this spot but to date have not been successful. I think we shall give up on this and ask you to carry the burden alone.

Sorry you cannot be with us longer. Would appreciate your remaining throughout the three days and taking part in all of the discussions.

We do appreciate your acceptance and the contribution that you will make to the meeting.

Sincerely yours,

R. B. Corbett

R. B. Corbett
Assoc. Dean and Assoc. Director

RBC/FM

1 - Atwood
(misc)

June 29, 1948

Mr. R. B. Atwood, President
Kentucky State College
Frankfort, Kentucky

Dear Mr. Atwood:

At my request you very kindly supplied me with the name of Mr. L. A. Potts as suitable to be considered for the job at St. Helena Island. I sent Mr. Potts' name on it. Today I had word from Mr. Marion A. Wright of the Penn School Board that the State of South Carolina, in taking over the School buildings, has required that no other educational program be conducted on the Island for one year.

This, therefore, postpones filling the place in comp munity education.

Mr. Wright tells me that Mr. Potts' name will be kept for possible use at such time as the School is in a position to go forward with its program.

I am most grateful for your ready help in sending me Mr. Potts' name.

Sincerely,

George E. Mitchell
Executive Director

GEM:eb

A —

RECEIVED
MAY 19 1948
Southern Regional Council

Kentucky State College
Frankfort, Kentucky

May 17, 1948

Mr. George S. Mitchell
63 Auburn Avenue N.E.
Atlanta 3, Georgia

Dear Mr. Mitchell:

For the position as Head of Penn School in South Carolina, I can think of no one better suited than Mr. L. A. Potts, Director of Agriculture, Tuskegee Institute, Alabama.

Mr. Potts is a graduate of Hampton Institute, Iowa State College, and Cornell University. He did an excellent job as Director of Agriculture at Prairie View, and is doing a good job now at Tuskegee.

Mr. Potts has initiative and his mind is filled with ideas. I am definitely of the impression that he would be an excellent selection for this place.

Very sincerely yours

R. B. Atwood

R. B. Atwood
President

RBA:bcg

1-A-Misc
Allen, William S

July 2, 1948

Mr. William S. Allen
Extension Agricultural Engineer - Buildings
College Station, Texas

Dear Mr. Allen:

We are happy to acknowledge your check for $1.00 and to add your name to the list of NEW SOUTH subscribers.

The mimeographed tables which you requested are enclosed. The figures used as a basis for statistical comparison in the April NEW SOUTH were drawn from reports of the U. S. Bureau of the Census. In computing median values, the figures were weighted in proportion to the amount of rural, rural non-farm, and urban housing found in the respective States.

I am sorry to say that this is all the information on Southern housing which we have available at present.

Also enclosed is an errata slip for "Housing in the South," a copy of the May NEW SOUTH, and a leaflet describing the origin and functions of the Southern Regional Council. Should you care to become a member of the Council, we would be happy to enroll you at the cost of an additional dollar.

If I can be of further help, please let me know.

Sincerely,

Harold C. Fleming
Director of Information

Enclosures

COOPERATIVE EXTENSION WORK

IN AGRICULTURE AND HOME ECONOMICS

AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS
AND UNITED STATES DEPARTMENT OF
AGRICULTURE COOPERATING

STATE OF TEXAS

EXTENSION SERVICE
COUNTY AGENT WORK

COLLEGE STATION, TEXAS

June 29, 1948

Mr. Harold C. Fleming
Southern Regional Council 63
Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Mr. Fleming:

Enclosed is a check of $1.00 (one dollar) for a year's subscription to the "New South".

I recently received a copy of the April issue and would appreciate some information concerning it. I would like to obtain the detailed mimeographed figures mentioned on page 20 of this issue, plus any other information available as to the methods used in this survey, authorities for the figures, etc.

I would also like to obtain any leaflets or information as to the origin, scope and organization of the Southern Regional Council you may have available. Any other information pertaining to housing or farm building in the South would be sincerely appreciated.

Very truly yours,

William S. Allen

William S. Allen
Extension Agricultural
Engineer --- Buildings

WSA:JB
Enclosure

RECEIVED
JUL 2 1948
Southern Regional Council

1-A - Amer. Country Life Assoc

Preliminary Program

TWENTY-SEVENTH CONFERENCE

of the

American Country Life Association

BEREA COLLEGE

Berea, Kentucky

JULY 13-15, 1948

Theme

"Rural Policies and Policy Making"

July 12th—Monday
Evening

7:00 P.M. Registration Begins
—Woods-Penniman Building

8:00 P.M. Recreational Get-together
—Woods-Penniman Building
Under the direction of Clarence H. Wyatt

July 13th—Tuesday

7:15-8:15 A.M. Breakfast—Cafeteria, Fairchild Hall

Morning Session—Presser Hall
Chairman—R. K. Bliss

A. Introductory

10:00 A.M. Welcome—F. S. Hutchins

10:30 A.M. What Does This Conference Hope to Accomplish
R. B. Corbett

I. *The Number and Size of American Farms*

11:00 A.M. The Place of Individual Farm Income in Rural Policies
Joseph Ackerman

11:30 A.M. How Many People Should Live on the Land?
M. L. Mosher

1:00-1:30 P.M. Lunch—Cafeteria, Fairchild Hall

Afternoon Session—Presser Hall
Chairman—R. H. Proctor

II. *Labor Policy and Rural America*

2:00 P.M. What Are Labor's Policies and How Do They Affect Farm People?
George S. Mitchell

2:45 P.M. Migrant Labor: The Problem and What Can be Done About It
Frank J. Welch

3:25 P.M. Developments in Agriculture That Affect Labor Supply
Ransom E. Aldrich

3:55 P.M. Recess

B. Business Session

4:00 P.M. Business of the Association
Joseph Ackerman

6:00-6:30 P.M. Supper—Cafeteria, Fairchild Hall

Evening Session—Presser Hall
Chairman—Kirk Fox

C. Discussion of the Day's Program

7:30 P.M. I. The Number and Size of American Farms (talks limited to five minutes)
Sherman E. Johnson
Ray Orr
Paul V. Maris
Emerson Hynes

Open Discussion

8:30 P.M. II. Labor Policy and Rural America (Talks limited to five minutes)
T. A. Tripp
Edward F. Holter
Emerson Hynes
R. K. Bliss

Open Discussion

Summary of Day

July 14th—Wednesday

7:15-8:15 A.M. Breakfast—Cafeteria, Fairchild Hall

Morning Session—Presser Hall
Chairman—Milo K. Swanton

III. *How Do We Get Good Rural Communities?*

9:00 A.M. The Needs of Rural Communities
David E. Lindstrom
Mrs. R. C. F. Weagly

10:00 A.M. The Influx of Non-Rural People
Mrs. Haven Smith

10:30 A.M. Discussion (talks limited to five minutes)
Frank W. Peck
Paul V. Maris
Sherman E. Johnson
W. H. Stacy

Open Discussion

1:00-1:30 P.M. Lunch—Cafeteria, Fairchild Hall

Afternoon Session—Presser Hall
Chairman—Mrs. R. C. F. Weagly

IV. Rural America's Policies on International Problems

2:00 P.M. W. Raymond Ogg

3:00 P.M. Rex Johnson

4:00 P.M. Discussion (talks limited to five minutes)
T. A. Tripp
R. K. Bliss
H. C. M. Case

Open Discussion

6:00-6:30 P.M. Supper—Cafeteria, Fairchild Hall

Evening

8:00 P.M. Recreational Get-together
—Woods-Penniman Building
Under the direction of Clarence H. Wyatt

July 15th—Thursday

7:15-8:15 A.M. Breakfast—Cafeteria, Fairchild Hall

Morning Session—Presser Hall
Chairman—Frank W. Peck

V. *The National Farm Program*

9:00 A.M. Lloyd Halvorson

9:45 A.M. Myles Horton

10:30 A.M. H. C. M. Case

11:15 A.M. Discussion (talks limited to five minutes)
W. Raymond Ogg
Emerson Hynes
T. A. Tripp

Open Discussion

1:00-1:30 P.M. Lunch—Cafeteria, Fairchild Hall

Afternoon Session—Presser Hall
Chairman—Joseph Ackerman

VI. *Social Security for Rural People*

2:00 P.M. Medical Services for Rural People
Thomas A. Hendricks

2:30 P.M.	Discussion (talks limited to five minutes)	Mrs. Haven Smith and others
	Open Discussion	
3:15 P.M.	Depression Needs of Rural People	Howard W. Beers Sherman E. Johnson
3:45 P.M.	Discussion (talks limited to five minutes)	W. D. Nicholls Edward F. Holter Feaster Wolford W. H. Stacy
	Open Discussion	
4:30 P.M.	Adjournment	

Registration fee for the Conference will be $2.00. This will entitle you to copy of the Joint Proceedings for the 1947 and 1948 meetings.

WHO'S WHO ON THE PROGRAM

Ackerman, Joseph, Associate Managing Director, Farm Foundation 600 S. Michigan Avenue, Chicago 5, Illinois

Aldrich, Ransom E., President of Mississippi Farm Bureau Federation, 221 N. President Street, Jackson 115, Mississippi

Beers, Howard W., Department of Economics and Sociology, University of Kentucky, Lexington, Kentucky

Bliss, R. K., Extension Agriculturist, Iowa State College, Ames, Iowa

Case, H. C. M., Department of Agricultural Economics, University of Illinois, Urbana, Illinois

Corbett, R. B., Dean and Director, College of Agriculture, University of Maryland, College Park, Maryland

Halvorson, Lloyd, Economist, National Grange, 744 Jackson Place, Washington 6. D. C.

Hendricks, Thomas A., Secretary of the Council on Medical Services, American Medical Association, 535 N. Dearborn Street, Chicago, Illinois

Holter, Edward F., Lecturer, National Grange, Middletown, Maryland

Horton, Myles, Southern Director of Organization, Farmers Educational and Cooperative Union, 300 B Street, S.E., Washington 3, D. C.

Hutchins, F. S., President, Berea College, Berea, Kentucky

Hynes, Emerson, National Catholic Rural Life Conference, Rural Sociology Department, St. John's University, Collegeville, Minnesota

Johnson, A. Rex, Assistant Director, Office of Foreign Agricultural Relations, U.S.D.A., Washington, D. C.

Johnson, Sherman E., Bureau of Agricultural Economics, U.S. Department of Agriculture, Washington 25, D. C.

Lindstrom, David E., Rural Sociology, Division, Department of Agricultural Economics, University of Illinois, Urbana, Illinois

Maris, Paul V., Director, Farm Home Ownership Division, Farmers Home Administration, U.S. Department of Agriculture, Washington 25, D. C.

Mitchell, George S., Director, Southern Regional Council, 63 Auburn Avenue N.E., Atlanta 3, Georgia

Mosher, M. L., Department of Agricultural Economics, University of Illinois, Urbana, Illinois

Nicholls, W. D., Department of Agricultural Economics, University of Kentucky, Lexington, Kentucky

Ogg, W. Raymond, American Farm Bureau Federation, 857 Munsey Building, Washington, D. C.

Orr, Ray, Animal Husbandry Department, Berea College, Berea, Kentucky

Peck, Frank W., Managing Director, Farm Foundation, 600 S. Michigan Avenue, Chicago 5, Illinois

Proctor, R. H., Asst. Executive Secretary, Kentucky Farm Bureau Federation, St. Matthews, Kentucky

Smith, Mrs. Haven, Vice-President, Nebraska Farm Bureau Federation, Chappell, Nebraska

Stacy, W. H., Department of Agricultural Economics and Sociology, Iowa State College, Ames, Iowa

Swanton, Milo K., Executive Secretary, Wisconsin Council of Agriculture Cooperative, 614 Tenney Building, Madison 3, Wisconsin

Tripp, Thomas A., Board of Home Missions, Congregational and Christian Churches, 287 Fourth Ave., New York City 10, New York

Weagly, Mrs. R. C. F., President Associated Women, American Farm Bureau Federation, Hagerstown, Maryland.

Welch, Frank J., Dean, College of Agriculture, Mississippi State College, State College, Mississippi

Wolford, Feaster, Director, Department of Agriculture, Berea College, Berea, Kentucky

Wyatt, Clarence H., in charge of Recreation at Berea College Summer School, Berea, Kentucky

OFFICERS OF A.C.L.A.

Joseph Ackerman, President, 600 S. Michigan Avenue, Chicago 5, Illinois

Roger B. Corbett, Vice-President, Associate Dean, University of Maryland, College Park, Maryland

Fox, Firk, Editor, Successful Farming, Des Moines, Iowa

Orion Ulrey, Executive Secretary, Michigan State College, East Lansing, Michigan

Lois M. Clark, Recording Secretary, National Education Association, Washington 6, D. C.

R. K. Bliss, Treasurer, Iowa State College, Ames, Iowa

J. E. Losey, Custodian, Purdue University, LaFayette, Indiana

CONFERENCE COMMITTEES

Local Arrangements: Feaster Wolford, Chairman; Ray Orr, and Merton D. Oyler

Exhibits: Floyd L. Downs, Supervisor of Customer Service, Berea College

Library: Elizabeth D. Gilbert, Berea College Librarian, and Kathryn P. Mier, State Librarian, Jefferson City, Missouri

Nominations: Milo K. Swanton, Chairman; Lois M. Clark, Wilfred Shaw, and Jerry Voorhis

Program: Roger B. Corbett, Chairman; Edward F. Holter, Paul V. Maris, Ray Orr, Merton D. Oyler, Helen A. Ridgway, Mrs. Charles W. Sewell, Wilfred Shaw, T. A. Tripp, and Feaster Wolford

Registration: Feaster Wolford, Chairman; R. K. Bliss, Agnes Lorentzen

RESERVATIONS FOR CONFERENCE

Reservations on the campus should be made with R. L. Fiske, Box 1801, Berea College, Berea, Kentucky. Charges for meals and lodging in the dormitory will be $5.00 per day or $15.00 for the three-day period. Single meals are: breakfast 60c; lunch 80c; and supper 80c.

For room at Boone Tavern in Berea, write to Richard T. Hougen, Resident Manager. Rates are:

With running water	(single)	$1.00-$2.00
	(double)	2.75- 3.50
With private bath	(single)	2.50- 3.50
	(double)	4.50- 6.00

1 Misc-a

July 20, 1948

Miss Charlotte E. Adams
204 Aycock Hall
University of North Carolina
Chapel Hill, N. C.

Dear Miss Adams:

I am sorry to be so long in writing, but Dr. Mitchell has been out of town and yesterday was my first opportunity to talk with him. I'm afraid there is nothing spectacular about the following suggestions, but they are all we have to offer:

(1) In event you have not queried all the following colleges, Dr. Mitchell suggests that you do so: Winthrop College, Rock Hill; Converse College, Spartanburg; Agnes Scott, Atlanta; Sweetbriar College, Amherst, Va. Dr. Mitchell also points out a fact -- of which you are no doubt aware -- that the University of South Carolina is reportedly expanding its sociology department.

(2) Outside the academic sphere, you might find that the Southern Association of Science and Industry has a congenial position open. The Association has an office in Charleston, where it publishes a magazine called DIXIE.

(3) You might want to look into the research organization of the Democratic National Committee, under the directorship of William Batt, Jr., in Washington.

(4) I might remind you of the two possibilities I mentioned in our talk: the National Planning Association (Washington, D.C.), which administers the Committee for the South project, and the Bureau of Agricultural Economics.

I enjoyed our talk in Columbia and sincerely hope you will find the sort of position you deserve. When you are in Atlanta, be sure to drop in on us at the Council.

Sincerely,

Harold C. Fleming
Director of Information

UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
SOCIOLOGY, ANTHROPOLOGY AND PLANNING LIBRARY
ROOM 403 ALUMNI BUILDING

July 2, 1948

RECEIVED
JUL 6 1948
Southern Regional Council

Mr. Harold C. Fleming
Southern Regional Council, Inc.
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Mr. Fleming:

I would, first of all, like to record a change in my mailing address for the "New South" and other publications of the Council from Lambuth College in Jackson, Tenn. to 727 Queen St., Columbia, S. C.

Secondly, I am writing to inquire if the Council has contacts with persons or knows of any positions open in the field of Social Science with special emphasis on the regional development of the South.

I have a B.S. degree in Business Administration from the University of South Carolina and an M.S. from Ohio University (1946) in personnel work and social science. For the past two years I have been employed at Lambuth College in Jackson, Tennessee, teaching in the field of economics with emphasis on the social and economic trends in the U.S. and one course on the Regional Development of the South. I have combined the teaching with some personnel and administrative work.

I plan to make a change in jobs this summer, and am most interested in continuing work along the line of socio-economic development of the U.S., particularly of the South. Teaching is my first interest although I can, and have done office work. This summer I am attending a work shop in Human Resources of the South at the University of North Carolina. I find this work most interesting and should like to continue similar work in my regular position.

If you do know of any possible job areas or people whom I might contact, I should appreciate very much your letting me know so that I might furnish these people with further information about myself while making inquiry.

Sincerely yours,

Charlotte E. Adams

Charlotte E. Adams

204 Aycock Hall
University of N. C.
Chapel Hill, N. C.

C H Adams 8286

Nat'l Planning Assn (Washn) - handling
Committee for the Sou.

Bureau of Agric. Ec.
Civ. Sv. study

Winthrop College
Rock Hill, SC

Converse College
Spartanburg

U. of SC
Expanding Soc Dept

Agnes Scott

Sweetbriar
Amherst, Va

Sou Assn Science + Industry
Charleston, SC

Demo Nat'l Com.
Research orgn
Wm Batt, Jr.

1-A-Ackerman, Joseph

July 20, 1948

Mr. Joseph Ackerman
Associate Managing Director
Farm Foundation
600 South Michigan Avenue
Chicago 5, Illinois

Dear Mr. Ackerman:

I promised you at Berea the other day to send you a set of our most recent pamphlets.

Here it is, with appreciation for your conversation and help about the farm tenure matter.

Sincerely,

George S. Mitchell
Executive Director

Enclosures

GSM:eb
Dictated but not signed

S RC (Fleming)
Wanted: A Healthy South
Wanted: South's Future
Wanted: Educated South
Machines in the Cotton Fields
Condition and Digest
June and Oct '47 New South; Apr, May and June-July '48 New South

AMERICAN COUNTRY LIFE ASSOCIATION, INC.

July 23, 1948

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College Park, Maryland

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National Education Assn.
1201 16th Street, N.W.
Washington 6, D. C.

R. K. BLISS, *Treas.*
Iowa State College
Ames, Iowa

E. L. ANTHONY
Michigan State College
East Lansing, Michigan

MRS. ALMER ARMSTRONG
Indiana Farm Bureau
47 S. Pennsylvania Street
Indianapolis 9, Indiana

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Lucas, Ohio

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National Council of
Farmer Cooperatives
744 Jackson Place, N.W.
Washington 6, D. C.

L. H. DENNIS
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1010 Vermont Avenue
Washington 5, D. C.

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EMERSON HYNES
National Catholic Rural
Life Conference
Collegeville, Minnesota

O. B. JESNESS
University of Minnesota
St. Paul 1, Minnesota

PAUL V. MARIS
Farmers Home Administration
U.S. Department of Agriculture
Washington 25, D. C.

RAYMOND W. MILLER
American Institute of Coop-
eration, 1302 18th Street, N.W.
Washington 6, D. C.

F. D. PATTERSON
Negro Land Grant College Assn.
Tuskegee Institute
Tuskegee Institute, Alabama

WILFRED SHAW
American Farm Bureau Federa-
tion, 58 E. Washington Street
Chicago 2, Illinois

MILO K. SWANTON
Wisconsin Council of
Agriculture Cooperative
614 Tenney Building
Madison 3, Wisconsin

T. A. TRIPP
Committee on Town and Country
Home Missions Council
287 Fourth Avenue
New York 10, New York

JERRY VOORHIS
Cooperative League of the USA
343 S. Dearborn Street
Chicago 4, Illinois

ORION ULREY, *Exec. Secy.*
Michigan State College
East Lansing, Michigan

O. F. HALL, *Custodian*
Purdue University
Lafayette, Indiana

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JERRY VOORHIS

Mr. George S. Mitchell, Director
Southern Regional Council
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear Mr. Mitchell:

On behalf of the American Country Life Association I wish to thank you for participating in the recent meeting at Berea. Your presentation provided food for thought and contributed a great deal to the discussions at the meeting.

I am wondering if you would care to prepare a paper on your discussion for inclusion in the proceedings or if you would prefer to submit the paper you already have prepared on labor's policies. We shall appreciate receiving whichever you decide to send to us.

Again I thank you for your participation.

Sincerely yours,

Joseph Ackerman

Joseph Ackerman

cc: R. B. Corbett

RECEIVED
JUL 26 1948
Southern Regional Council

1-A-Misc.
Amer. Country Life
Association

July 28, 1948

Mr. Joseph Ackerman, President
American Country Life Association, Inc.
600 South Michigan Avenue
Chicago 5, Illinois

Dear Mr. Ackerman:

Here is the manuscript which I prepared for the Berea meeting.

Here also is a summary of what I did say. Your judgment would be better than mine on which to run. I take your judgment.

I very much enjoyed coming to the meeting and am only sorry that, because I had long ago promised to be at Nashville, could not stay for the whole of the meeting.

I daresay my remarks caused a little strain here or there, but it seemed to me that we had all been over-serious all morning and that I could at any rate introduce the winds of controversy.

Sincerely,

George S. Mitchell
Executive Director

Enclosures
GSM:eb

Remarks by George S. Mitchell at Meeting of the American Country Life Association, Berea, Kentucky, July 13, 1948

Mr. George S. Mitchell, Executive Director of the Southern Regional Council of Atlanta, analyzed in terms of sub-regional development the main industrial, agricultural and political problems of the Southeastern states. He described the broad differences in patterns of settlement of the four main sub-regions; namely, the Mountain area, the Piedmont, the plantation belt and the piney woods coastal strip.

For the mountain area he prescribed reorganization of agricultural land use, further forest care, stepped-up industrial activity and increased tourist and recreational development.

The Piedmont area he considered to be neatly balanced between industry and a democratic family-farm pattern. For its remaining problems he urged greater adaptation of its agriculture to sales outlets in its own factory towns and continuance of the democratic tendencies already well advanced in its trade unions and in its broad use of the franchise.

The problems of the coastal strip were described mainly in terms of the active conservation of the timber resources and wider distribution of earnings, probably through trade unions or cooperatives, or both.

For the plantation belt he recommended further industrial opportunity, vocational education, and the modification of the plantation pattern by public and private measures which would establish a substantial family farm economy within most of the plantation counties.

Turning then to the political life of the states in the Southeastern area, he pointed to a predominant political influence within most of the states by the plantation area, and pointed out that repeatedly, in the states of the lower South, progressive measures acceptable to people in the Piedmont counties were ruled out as being unacceptable to the plantation counties, whose landlord-tenant relationship, he thought, was the main factor in causing them to withhold assent.

He concluded that the public life of the states of the lower South would reach a new plane of constructiveness when organized industrial workers and organized family farmers could freely join in support of measures beneficial to both.

George S. Mitchell
63 Auburn Avenue
Atlanta 3, Georgia

WHAT ARE LABOR'S POLICIES AND HOW DO THEY AFFECT FARM PEOPLE?

The organized labor movement in this country today embraces some sixteen million workers. At least two-thirds of this growth has occurred since the bottom of the last depression, when industrial workers began to organize on a large scale. The structure of the movement is confused and competative. Policy for labor is a mixture of long-run considerations with responses to day-to-day pressures, and the latter are perhaps generally the strongest. No central organ of the movement as a whole exists, and therefore students, statesmen, and businessmen seeking labor's policies must all turn to individual labor leaders, voicing for the time-being the policies of their own organizations. Still, within this uncertainty some generalizations hold. I list a few:

High wages
The short work-week
Agreeable and safe working conditions
Security on the job
Steady earnings
Democratic procedures in factory management
Political democracy

Certain of these policies, notably the first two, are often held by farmers to be hurtful to them. The familiar argument is that city labor, by demanding high pay and short hours, runs up the prices of city-made things, and farmers suffer.

The argument has some truth, of course. It has most truth in occupations least modified by modern mass-production methods. It is in these occupations that labor cost is large. This applies particularly to the building trades. But the range of such high-labor-cost occupations is constantly narrowing. In the industries which make most of the things farmers use the rule is mass-production under conditions of heavy capital investment. Direct labor cost in these modern industries seldom exceeds twenty of twenty-five per cent. The rest is cost of materials, management overhead, interest, sales cost, and profits. It is true that high wages figure as an element of cost in the materials purchased by factories, but again they are seldom predominant. Industry sets prices at what it can get, in open competition or by the help of semi-monopoly conditions. In a sellers' market such as we have today industry is not visibly pricing its goods at levels which will merely cover costs; it asks, and gets, about what it can. Thus, the CIO printed figures the other week to show that in the first two rounds of post-war wage increases the straight-time hourly earnings rose 29%. During the same period the companies granting this wage increase upped their prices 61%, and their profits increased 116% (Union News Service, July 5, 1948).

Some account must also be taken of the steady increase in productivity per worker, under conditions of high investment and careful management. That this is important is strikingly proved in the recent UAW-General Motors agreement to add to wages each year a modest increment for this growth in productivity.

The conclusion pointed to is that the price of manufactured goods, while influenced by labor costs, is influenced mainly by what the traffic will bear, and includes in recent years a bonanza of corporate profit.

The other things for which labor unions work are quite minor in their effects on costs; few will quarrel if from higher prices some small part covers cleanliness and safety in factory and mining conditions, stability of employment even to the point of the guaranteed annual wage, and a work week no longer than is compatible with health and reasonable leisure in a machine economy.

The public, including farmers, undoubtedly feel aggrieved by labor's ultimate means of getting its gains, namely, the strike. Labor has no pleasure in using this weapon. Union members are as able as anyone else to make the calculation that it will take many months of higher wages to cover the loss of wages while out on strike. Labor uses the strike because during many decades it has learned that employers able to pay more will withhold wage increases unless forced by the threat of the strike, or by the strike itself, to divide income with the workers. In passing it should be said, also, that many strikes in recent years have occurred because, notwithstanding the legal recognition of collective bargaining, many employers have doggedly used every tactic of delay and obstruction to avoid recognising and dealing with the union, until their workpeople in exasperation have resorted to the cut-through device of the strike. We would have much more labor peace if employers stood ready to bargain honestly, and in time we would gain a soberer and more responsible union leadership were bargaining on such terms to become generally accepted.

Parenthetically, it should be said that the labor movement in this country has generally, during and since the war, vigorously supported price control. It has been willing to hold its wage demands to a price level controlled centrally. When Congress threw price control away, listening to the argument of the National Association of Manufacturers that free prices would bring high production and therefore reasonable prices soon, labor had no choice but to pursue a rising price level with demands for wage increases. In a period of continuing inflationary pressures the decision to decontrol prices was in labor's opinion unwise. The Nation, through its Congress, had a public responsibility in this matter of post-war prices, and the Congress ducked.

Labor has long argued that a generally high wage level means greater prosperity for farmers. The five million farmers sell most of their products to the thirty-eight million industrial workers. This argument has at last achieved responsible recognition. The proposals made to the Congress by the Department of Agriculture last year for a long-range agricultural policy were largely built on the doctrine that farm income depends on the rate of city consumption. Mr. Secretary Anderson said, "It is clear that people are willing to buy, when they have the money, more agricultural goods than they have ever bought." He then proceeded to recommend to the Congress that our future plans for farm production be based upon assumptions as to non-farm income. Thus the fundamental policy questions of how much to raise of what crops becomes a function of the level of non-farm income, as modified by our needs in soil and resource conservation. And the overwhelming component of non-farm income is wages. I take

it that from here on out our agricultural policy-makers will chart their course upon actual or anticipated trends in wages. All this means that the maintenance of prosperity for American agriculture depends mainly upon the maintenance of heavy or full employment and the spread of the high levels of consumption which accompany a pervasively high-wage structure. Labor works for such a structure, and thereby lays the basis for high income for farmers.

Correspondingly, labor wants farm income high, and wishes it spread widely among the farm population. The lower-income two-thirds of American farmers are still the nation's greatest beckoning market for city-made goods. Labor will not begrudge country people the actual earnings that will equip country homes with the conveniences and comforts that are standard in city homes, and farms with the machines that can lessen the hours of labor in the country.

I have said that among labor's objectives is a broadened political democracy. It is in this field that a whole new prospect of farmer-labor cooperation opens before us. Labor and farmers between them make up eighty-five per cent of the people of the United States. If they would pool their voting strength, they could provide a President and a Congress responsive to their wishes. Let us examine the general objectives that labor has in mind in its political effort, and see which of them would work to the detriment of farmers.

Labor has consistently stood for more education, and for the Federal aid to education which would equalize school opportunities in the many agricultural states. Most farmers are for that.

Labor wants more vocational and technical education. Surely when agriculture confronts a loss of people from mechanization and attendant changes, it is common sense to dot our countryside with area vocational schools, which can enable those who leave the country to light on their feet when they get to town.

Labor has favored social security, and has wished it broadened to include domestic and agricultural workers. My guess is that the majority of rural-dwellers would like that.

Labor wants a broad program of health and medical care. Farm people get the short end of the stick in matters of health, and should favor measures to get them doctors and hospitals.

Labor is for housing, including public housing and public rural housing. It has pushed the sort of rural housing program that was in the last version of the Taft-Ellender-Wagner Housing Bill, that passed the Senate. That's a good program, which would help rural people a lot.

Labor is in favor of cooperatives, both of producers and consumers, and wishes by their increase to lessen the spread between prices to the farmer and prices in the store.

Labor has consistently supported whatever plans and measures were in circulation to uphold and improve the position of the family-type farmer. The American Federation of Labor worked with the Farmers' Alliance in the old days. Both great branches of today's labor movement lent their support to the program of the former Farm Security Administration, in its work of helping the smaller farmers into better status, and in backing farm-ownership for tenants. Labor sees the family-farmer as its friend, wedded to

democratic standards. Labor will be generally sympathetic to the measures of reorganization of land-control in the cotton belt that were current in the hearings before the Pace Committee. It must be said, however, that labor can be expected to use its own political pressure vigorously in the direction of preventing, as those measures of reorganization proceed, any careless shoving to "somewhere else" of the people who will lose out when Southern cotton farms are reduced in numbers and enlarged in size to the 175-acre and up holdings that are being discussed. And it will also be found increasingly active in assistance to the semi-industrialized labor force that mechanization will bring.

It is only right that this farm labor force, migratory or otherwise, should share fully in the American standard of living. Labor can be expected to help protect it, by resisting importation of Mexican and West Indian labor as long as underpaid people are available at home; by working for Federal supervision of camps; and by direct organizational aid, as through the National Farm Labor Union. Labor will have noted the recent statement before the Georgia Cotton Manufacturers Association of the President of the Georgia Farm Bureau (May 5, at Daytona Beach, Florida, reported in Atlanta (Ga.) Journal of May 6, 1948) in which he was quoted as having said that farm leaders will oppose "to the bitter end" any effort on the part of present unions to organize farm labor, and that this stand was not vindictive but was necessary "if the form of economy under which we operate is to be preserved." Labor believes in freedom of organization.

Lastly, labor would welcome fully representative self-organization among American farmers. It is convinced that much present farm organization is unduly influenced by big landlords and commercial and manufacturing interests. It has had experience of the teamwork of big business lobbies and the major farm organizations. It is making its own salvation by its own organized efforts; it would consider that the basic problems of American agriculture would be much further along toward solution if the family farmers, whether tenants or owners, were strongly and broadly organized, in an association or union in the policies of which they had control.

1-A-Misc.
Amer. Country Life Assoc.

July 30, 1948

Mr. R. B. Corbett, President
American Country Life Association, Inc.
University of Maryland
College Park, Maryland

Dear Mr. Corbett:

Thank you for your kind letter. I am sorry that having to be at Nashville the next morning took me away from Berea so quickly. At that, it is something of a miracle to get from Berea to Nashville overnight, but it was done!

I deliberately undertook to introduce a bit of controversy; apparently the amount was excessive. But I greatly enjoyed being with the group.

Sincerely,

George S. Mitchell
Executive Director

GSM:eb

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Tuskegee Institute, Alabama

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July 26, 1948

Mr. George S. Mitchell, Director
Southern Regional Council
63 Auburn Ave N.E.
Atlanta 3, Georgia

Dear Mr. Mitchell:

It was a real disappointment to me that I did not have a chance to talk with you following your contribution to the program of the A.C.L.A. I was sorry that you had to leave so soon and was not present to take part in the discussions that followed on Tuesday evening.

The Association is indebted to you for your contribution to the program, and as Chairman of the Program Committee I want to particularly express the thanks of the committee and of the Association.

With every good wish,

Sincerely yours,

R. B. Corbett

R. B. Corbett
President

RBC/FM

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JUL 28 1948
Southern Regional Council

1-A-Misc.-Amer. Country Life Association

NEWS LETTER

AMERICAN COUNTRY LIFE ASSOCIATION, INC.

Headquarters Office
3166 North Eighteenth Street
Arlington, Virginia

RECEIVED
AUG 11 1948
Southern Regional Council

August 6, 1948

To: FRIENDS AND MEMBERS OF ACLA

Subject: The Berea Meeting

This news letter from ACLA headquarters has two purposes: The first is to report upon the present status of the organization. The second is to give members and friends who were not there the highlights of the Berea meeting.

OUR STATUS

As to status, there has been a revival of vigor and an increased awareness of the importance and distinctiveness of ACLA in contemporary American life. No ACLA member, new or old, doubts that there needs to be a forum at which the end product of the many influences bearing upon rural life can be appraised by persons representing wide ranges of interest and views. It is also agreed that no other organization provides such a forum.

OUR FINANCES

We are financially penniless. Our cash carry-over into the new year will be only two or three hundred dollars. Membership dues are our principal and only certain source of revenue. But we are not worried about finances and we will not worry you about finances. We have no plans contingent upon gifts from foundations or upon the outcome of fund-raising efforts. We will not spend money before we get it. We will not build up a deficit. But we can make some very good bricks with very few straws. That in brief is ACLA's financial policy. With your help and moral support we can and will carry it out. All our energies will be devoted to building a worthwhile program.

OUR HOSTS AT BEREA

Now about Berea. This unique and well-equipped educational institution, serving sons and daughters of mountain folk in the Appalachian area of a half dozen Southern and border states, was an ideal setting for the twenty-seventh ACLA conference. Accommodations were good and costs were modest. The welcome extended by President Hutchins was cordial. The dairy herd, the beef animals, the poultry flock, the truck gardens, the creamery, the bakery, the cannery, the looms, the college-owned hotel, the college-owned store - all these and other features intrigued everyone. Students work in the establishments mentioned while they perform fully accredited classroom work leading to the usual college degrees.

THE BEREA PROGRAM

As for the Berea ACLA program, it rates with the best of ACLA history. All paid-up members will receive copies of the papers and prepared discussions. The Farm Foundation, through the courtesy of Frank Peck and Joe Ackerman (and without establishing a precedent), is now duplicating conference papers and they will be

mailed soon. No one familiar with their content would hesitate to pay a year's dues for the sake of having them in his files. There will be no printed proceedings The way to get the excellent Berea papers is to get your name on the "member in good standing" list, if it is not already there.

Raymond Ogg, new head of the American Farm Bureau Federation's Department of International Affairs, and Ransom Aldrich, President of the Mississippi Farm Bureau, ably presented Farm Bureau thinking on worldwide and domestic issues affecting rural life. Lloyd Halvorson, economist for the National Grange, did the same thing for his organization and Angus MacDonald of the Washington staff of the National Farmers Union, discussed the stand of his organization on public issues. The general farm organizations were better represented at the meeting and on the program than they have been for years.

Mrs. Haven Smith, vice president of the Nebraska Farm Bureau Federation, presented a paper full of human interest and significant information on current trends in rural communities, proving conclusively that character and talent have suffered no impairment through eleven successive generations of farm life which she exemplifies.

H. C. M. Case, head of the Department of Agricultural Economics at the University of Illinois, reviewed in a most able and statesmanlike manner present developments related to long-range agricultural policy.

Sherman E. Johnson of the Bureau of Agricultural Economics of the U. S. Department of Agriculture made a valuable contribution to the program from the point of view of economists. David E. Lindstrom of the University of Illinois, Howard Beers of the University of Kentucky, and W. H. Stacy of Iowa State College were chief spokesmen for sociologists.

Tom Tripp of the Board of Home Missions for the Congregational Christian Church, and Emerson Hynes of the National Catholic Rural Life Conference found wide areas for Protestant and Catholic agreement in matters relating to number and size of farms and how to improve rural communities.

Joseph Ackerman, the Association's president, led off the discussion on the number and size of American farms, with a scholarly paper. M. L. Mosher of the Department of Agricultural Economics of the University of Illinois presented important research data on the effect of size of farms on total volume of production, efficiency of production, manpower requirements, and soil conservation. George Mitchell, Director of the Southern Regional Council, sketched the economic and social development in Southern states and interpreted the current situation in the light of a century and a half of history.

Ransom Aldrich took issue with some of Dr. Mitchell's premises and conclusions. Thomas A. Hendricks discussed health problems of rural communities from the viewpoint of the American Medical Association which he represents. His address touched off a lively discussion. Incidentally, there were many lively discussions. Frank W. Peck, head of the Farm Foundation, Dean Frank J. Welch of Mississippi State College of Agriculture, and R. K. Bliss of the Iowa Extension Service, made short but important statements.

BUSINESS MATTERS

Howard Beers of the University of Kentucky, Miss Guntor Johanneson on the staff of the Wisconsin Agriculturalist and Farmer, Sherman E. Johnson of the Bureau of Agricultural Economics, and Arthur Floyd of Tuskegee Institute were all elected to the Board of Directors. They replace Dean E. L. Anthony of Michigan State College, Mrs. Loleta D. Fyan of the Michigan State Library, and F. D. Patterson of

(Over)

Tuskegee Institute, whose terms have expired. The new officers are: President, Roger B. Corbett, Vice Dean and Director, College of Agriculture, University of Maryland; Vice President, Milo K. Swanton, Wisconsin Council of Agricultural Cooperatives; Executive Secretary, Paul V. Maris, Farmers Home Administration; Treasurer, R. K. Bliss, Iowa State College; and Custodian, J. Edwin Losey of Purdue University, succeeding Dr. O. F. Hall.

The new Executive Committee consists of Roger Corbett, President, Joseph Ackerman, immediate past Vice President, Milo K. Swanton, Vice President, R. K. Bliss, Treasurer, Lois M. Clark, Wilfred Shaw, and Thomas A. Tripp.

AS FOR THE FUTURE

There was one regrettable fact about the Berea meeting. The attendance did not measure up to the quality of the program. An eleventh hour change of meeting places was partly responsible. Largely, however, limited attendance was the aftermath of the policy necessarily followed during and immediately after the war. The Board has agreed that the time is ripe for a new policy in this respect. We hope to continue and enlarge upon our nationwide membership of individuals and organizations. In addition, we will strive for a large attendance from the area surrounding the annual meeting place.

The future of ACLA was discussed by the officers and directors. Tentative plans have been formulated as to the time and place of the next meeting and the character of the next program. As they unfold you will be advised.

Meanwhile, please pass along the word that ACLA is a vital and going concern with a job to do that needs to be done, and a will to do it.

Sincerely yours,

Roger Corbett

Roger Corbett, President

Paul V. Maris

Paul V. Maris, Executive Secretary

1 - A - misc -
Abernethy, Mrs Ruth

January 4, 1949

Mrs. Ruth Abernethy
Executive Director
Saint Paul Council of Human Relations, Inc.
123 West Fifth Street
Saint Paul 2, Minnesota

Dear Mrs. Abernethy:

Thank you for your kind letter, and for Miss Miles'.

Yes, I will be in Chicago for the meeting--which by my calendar is the 28th and 29th, and not, as given in your letter, the 25th. I look forward to seeing you there.

Sincerely,

George S. Mitchell
Executive Director

GSM:t

UNDE

SAINT PAUL COUNCIL OF HUMAN RELATIONS, INC.

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Unity and Understanding Among All People

FOURTH FLOOR 123 WEST FIFTH STREET CEDAR 0444

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MRS. RUTH ABERNETHY
Executive Director

December 31, 1948

Mr. George S. Mitchell
Executive Director
Southern Regional Council Inc.
63 Auburn Avenue N. E.
Atlanta, 3, Georgia

Dear Mr. Mitchell:

I have asked Miss Miles to write to you about our reference room and the extent to which we use your excellent material. Our greatest hazard is our budget or we should buy more!

Louis Hosch has set the date of the NAIRO Board meeting for January 25th. I am hoping that you will be in Chicago and I am looking forward to all those conversations and exchange of information that were impossible in the burly-burly of the conference.

Sincerely,

Ruth Abernethy

RA*PM

(Mrs) Ruth Abernethy
Executive Director

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1-A-misc
Appar, W. E.

January 7, 1949

Mr. W. E. Appar
State Teachers College
Jersey City 5, New Jersey

Dear Mr. Appar:

We are still hoping that you will want to order some of the Council's things.

Sincerely,

George S. Mitchell
Executive Director

GSM:t

1-A-Misc. -
ADA

AMERICANS FOR DEMOCRATIC ACTION

1740 K Street, N. W., Washington 6, D. C., EXecutive 8760

January 25, 1949

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Mr. George Mitchell
Southern Regional Council
Atlanta, Georgia

Dear Mr. Mitchell:

The increase in support for forward-looking action since November 2 has encouraged many Southerners to believe the present moment is the time for their section to offer more positive leadership to the country.

It is our belief that Americans for Democratic Action -- which, as you know, has become an effective focal point for non-Communist liberal activity nationally -- can be the agency in which, and through which, liberals in the South can communicate with each other, and work out common plans for action.

With this objective, many Southerners have been consulted by John Thomason of Greensboro, N.C., who is arranging a small conference to discuss ADA's role in the South. The response has been most encouraging. Mrs. M. E. Tilly of Georgia, Dr. Frank P. Graham of North Carolina, and Mr. Hodding Carter of Mississippi (who are among those who have urged such a conference) have authorized me to extend to you, in their behalf, this invitation to participate in a discussion of the key problems we face.

The meeting will be held at 353 Courtland Street, N.E., Atlanta, Ga., Saturday and Sunday, February 19 and 20, beginning at 9:30 a.m. Satruday. Participants will be limited to some 30 persons who have shown an interest in seeing a greater degree of coordination among Southern liberals. Although we should like to invite a large number of our friends in the South, we believe a smaller meeting will produce a more concrete program.

Since ADA has no desire to exploit the meeting in publicity, no press releases will be issued before or after the conference. The aim is to hold an off-the-record meeting, to hammer out liberal strategy in the South.

We are very anxious to have your participation on February 19 and 20. Would you inform John Thomason, 603 Kenilworth Street, Greensboro, N.C., whether we can count on your presence? Would you also indicate, on the enclosed card, the room reservations you will need at the Ansley Hotel, unless you wish to make other arrangements?

Most cordially yours,

James Loeb, Jr.

James Loeb, Jr.
Executive Secretary

1-A-Misc-1-Amer. Friends Service Ctte, SE Area

American Friends Service Committee

Southeastern Area Office

WOMAN'S COLLEGE GREENSBORO, N. C.

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Telephone 3-4516

SOUTHEASTERN AREA
Clyde A. Milner, *Chairman*
B. Russell Branson, *Treasurer*
B. Tartt Bell, *Area Secretary*

February 22, 1949

George S. Mitchell
Executive Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Ave., N.E.
Atlanta 3, Ga.

Dear Mr. Mitchell:

We are certainly glad to be claimed as cousin by the Southern Regional Council, with whose work we feel a very real kinship. Thank you for sending us the pamphlets and the list of materials that are available through your office. Our literature service is very small but we are glad to know that these things are available and will have occasion from time to time to order small supplies for use on our literature tables at week-end conferences and one-day institutes.

With every good wish for the splendid work you are doing, I am

Cordially yours,

B. Tartt Bell

B. Tartt Bell

BTB:dmj

RECEIVED
FEB 23 1949
Southern Regional Council

1 - A - Misc -
Assoc. for Civic Unity
(Baltimore)

February 24, 1949

Association for Civic Unity
1510 West North Avenue
Baltimore 17, Maryland

Gentlemen:

Mrs. Elizabeth T. Meijer told us about the starting of your group, and is anxious to send you some of our things.

Here comes a small packet.

Please send us your things in return.

Sincerely,

George S. Mitchell
Executive Director

GSM:t

Sending: Vance, Virginia County, Honest Answer reprint, Oct. 47
New South, Fleming, price list, Nov 48 New South.

1-A-misc-
Ahman, Sven

RECEIVED
APR 4 1949
Southern Regional Council

DAGENS NYHETER

SWEDEN'S LARGEST DAILY NEWSPAPER

TELEPHONE: DAGENS NYHETER

HEAD OFFICE: STOCKHOLM — SWEDEN

CABLE ADDRESS: DAGSNYHETER

p.t.Hotel Texas,
Fort Worth,Texas,
April 1,1949.

Dr.George Mitchell,
Southern Regional Council,
63 Auburn Avenue,
Atlanta,Georgia.

Dear Dr.Mitchell:

If I have been slow in acknowledging the kindness and helpfulness you showed my wife and myself during our stay in Atlanta,please don't ascribe it to ingratitude,but rather to the fact that since our departure we have had to cover a lot of territory in a very limited time,and what with trying to catch up with my journalistic writing I have simply had to relegate my letter-writing duties to second place.

We both appreciated very much both the information and the views you so readily gave us,the trouble you went to in taking us on that Saturday afternoon swing out to Stockbridge,and your friendly invitation to dinner in your home. Incidentally,I used the visit to Jack Dodson's farm-place as the introduction to a series of three articles about Georgia which I sent to my paper. Unfortunately,the pictures I tried to take didn't come out too well - I am an indifferent photographer at best,and this time I managed to double-expose then picture of the two Dodsons. I think I recouped however,from the point of view of getting illustrations for my articles,by sending over some general pictures of farming in Georgia which I got from elsewhere.

Since leaving you,I have been to Oak Ridge,to Memphis,down along the Mississippi to Natchez (where the Mayor told me that municipal finances are based to a considerable part on taxing liquor sales and gambling - both of which are illegal in the state!),and to New Orleans, where we spent four whole days. Although one of them was mainly occupied by listening to ten hours of continuous thunder and 6.2 inches of cloudburst rain,we managed to see most of the high-spots,I think,and I even spent one morning in a marsh-land pilfield that was quite a surprise to me.

Here in Fort Worth I have been taken in hand by people who have kindly shown me what cowboying is and is not,which will furnish the material for another article I hope will be interesting to my countrymen, who only know what is in the Western films and books. We are going on to-morrow to Santa Fe,and from there to Phoenix and the Grand Canyon before setting out for California.

May I ask you to convey my wife's and my own warmest regards and thanks also to Mrs.Mitchell?

Sincerely yours
Sven Ahman

1- a. file
Albright, R. Mayne

R. MAYNE ALBRIGHT
ATTORNEY AT LAW
INSURANCE BUILDING
RALEIGH, N.C.

28 April 1949

RECEIVED
APR 30 1949
Southern Regional Council

Mr. George S. Mitchell
Room 432
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear George:

I am late in acknowledging your kind inquiry, but didn't you get a wonderful answer to your senatorial inquiry? I feel sure that you are as well pleased as I was over the appointment, and perhaps as surprised. I have already enlisted in the campaign for Dr. Frank's re-election, and feel rather confident he can win if he should have opposition.

Thanks anyway for your flattering inquiry prior to Dr. Frank's appointment.

I trust all goes well with you and that I may have the pleasure of seeing you again sometime in the near future.

With best wishes and personal regards, I am

Cordially your friend,

Mayne

R. Mayne Albright

RMA:FSA

1-A-Misc-
Alright, Mayne

Room 432
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear Mayne:

Why don't you get yourself elected to the Senate?

Sincerely,

George S. Mitchell

GSM:t

Mr. Mayne Albright
2320 Clark Avenue
Raleigh, North Carolina

1 - A. Dice
Atwood R.B.

May 3, 1949

President R. B. Atwood
Kentucky State College
Frankfort, Kentucky

Dear Mr. Atwood:

Many thanks. I will set aside May 12 to be in Frankfort, for any service I can do the College.

I haven't looked up buses, but I can guarantee to be on the campus by a few minutes to nine on the 12th. I ought to go out early that afternoon toward Richmond and Berea.

My highest ambition is to lecture to a class or two.

If you should have changes later in your plans, I can be reached at the Lafayette Hotel in Lexington on the 10th, and richly on the 11th.

Sincerely,

George S. Mitchell
Executive Director

GSM:s

Kentucky State College

Frankfort, Kentucky

OFFICE OF THE PRESIDENT

April
Twenty-Nine
1 9 4 9

Dr. George S. Mitchell, Executive Director
Southern Regional Council, Incorporated
Room 432, 63 Auburn Avenue, N. E.
Atlanta 3, Georgia

My dear Dr. Mitchell:

Thank you for your very kind letter of April 26.

We will be pleased to assemble a group of interested students and teachers for you whenever you can visit our institution. It will be helpful if you can give me a day's notice of the time of your arrival. I am setting it down tentatively for May 12. We will also be pleased to provide any other entertainment such as housing and food which your journey may require.

On May 10, at 10:00 a. m., I am speaking before a group of white women at the St. Paul Evangelical Church in Louisville, Kentucky, my subject is "The Day Law".

Very sincerely yours,

R. B. Atwood

R. B. Atwood
President

RBA:wts

RECEIVED
MAY 3 1949
Southern Regional Council

April 26, 1949

President R. B. Atwood
Kentucky State College
Frankfort, Kentucky

Dear Mr. Atwood:

I promised to make a talk Tuesday night, May 10, for the Catholic Committee of the South at Lexington, Kentucky. That puts me in your general territory.

I have written to Berea and asked if they want any free speech-making done, on the morning of the 10th or in the course of the 11th or 12th. I don't know what they will answer.

Meanwhile, I thought I would inquire whether you would want any chapel talking or classroom teaching done for your students. I don't know exactly when I will be free, but I could probably fit anything you might need on the 12th.

Don't be in the least embarrassed if this offer doesn't fit the college's needs. It does help the Council to reach students, and as a sometime professor, I show old firehorse signs every now and then of wanting harness.

Sincerely,

George S. Mitchell
Executive Director

GSM:t

5/20/49

May 19, 1949

Roy McCorkel
Director of Educational Services
American Friends Service Committee
20 South Twelfth Street
Philadelphia 7, Pennsylvania

Dear Roy McCorkel:

JP
Also
price
list

Thank you for your note of May 18, ordering a copy of "America's Tenth Man". It is being sent separately. You may be interested in the April issue of New South (enclosed) with statements of southern churches about human rights.

I caught a fleeting glimpse of you last May at Pendle Hill (perhaps on the steps of the New House) when I was there for QIVS orientation. Just last week I heard John Ramsay (of the CIO) comment on the fine job you did at a conference in which you both participated recently. As I understood it, he would have felt rather lonely at the conference, had it not been for thee!

Sincerely yours,

Elizabeth Taylor

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HENRY J. CADBURY

Honorary Chairman
RUFUS M. JONES

Executive Secretary
CLARENCE E. PICKETT

American Friends Service Committee

Twenty South Twelfth Street
Philadelphia 7, Pennsylvania

Telephone, RITTENHOUSE 9372

May 18, 1949

RECEIVED
MAY 19 1949
Southern Regional Council

Southern Regional Council
63 Auburn Avenue
Atlanta 3, Georgia

Dear Sirs:

Please send us your pamphlet AMERICA'S TENTH MAN. Enclosed fine $.10 in stamps. Thank you.

10¢ Stamps
McR

Yours sincerely,

Roy McCorkel

Roy McCorkel
Director of Educational Services

RMc C:dab

Chairman
HENRY J. CADBURY

Executive Secretary
CLARENCE E. PICKETT

1 a- Inter American Friends Service Committee

American Friends Service Committee

Twenty South Twelfth Street
Philadelphia 7, Pennsylvania
Telephone, RITTENHOUSE 6-9372

May 31, 1949

Elizabeth Taylor
Southern Regional Council, Inc.
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Elizabeth Taylor:

Roy McCorkel has asked me to acknowledge your letter to him of May 19.

Thank you so much for sending the copy of "America's Tenth Man", also the April issue of "New South", which we have read with much interest.

Best wishes to you.

Yours sincerely,

Kimi Nagatani

Kimi Nagatani

KN:dr

RECEIVED
JUN 2 1949
Council

1-A-Dune
Avent, George

August 15, 1949

Mr. George Avent
Hendrix College
Conway, Arkansas

Dear George:

Mighty nice of you to write. We all enjoyed seeing you and were sorry Atlanta could not have your whole family.

I am anxious to get an Arkansas Division of the Council organized this fall if possible. Mrs. Tilly is coming over sometime in October. I hope she can count on your help.

Meanwhile, if you have opportunity to add us a member or two thereabouts, that would be most helpful.

Sincerely,

George S. Mitchell
Executive Director

GSM:wgd

Enclosures

Geo. Avent
Hendrix College
Conway, Arkansas

August 12, 1949

Dr. George Mitchell,
Southern Regional Council,
Wesley Memorial Building,
Atlanta, Georgia.

Dear George:

Want to thank you for the delightful entertainment in your beautiful home. Mrs. Avent knew the house by my description and she was very happy to know that I had an opportunity to see the house in the inside. The fellowship with you and our friends was very good.

I hope you folks can persuade Ellis Arnall to run again. I do not think it wise, though, that he make too many deals and compromises. I realize one cannot be an absolutist, and I am not one myself; but people look to Arnall as a moral leader and when he ties up with Rivers he gets a lot of dirt washed out over him. You know what I mean. Pardon the figure of speech.

Best of everything..I hope to see you frequently.

Sincerely,

George Avent

RECEIVED
AUG 15 1949
Southern Regional Council

1-a-Misc
Avent, George

August 31, 1949

Dr. George Mitchell, Director
The Souther Regional Council
Wesley Memorial Building
Atlanta, Georgia

RECEIVED
SEP 2 1949
Southern Regional Council

Dear George:

By all means count me in on those attending the meeting with Mrs. Tilly. There are some members of our faculty and staff who might be good prospects. Dr. John Anderson, our psychology teacher, is the type member you would welcome. Miss Ethel Millar, a friend of Mrs. Tilly, said she would like to see Mrs. Tilly. I think both of these folks should be of help. There is a new political science teacher coming here to teach this year. He is coming to us from the graduate school at Chapel Hill. If he seems the type I'll try to interest him in the meeting. Be sure that we are informed. I suppose the meeting will be in Little Rock.

I'd be interested to know whether there is any ground swell of sentiment developing for Arnall to run. But I'll get that information from Mrs. Tilly. You might ask her to find out what she can about the status of the new Bible teacher at Wesleyan. I understand she is in hot water. Said something Christian or liberal.....anyhow, she offended some old fundamentalist sister who had given Wesleyan a little money. You know the rest.

Sincerely your friend,

George Avent

George Avent

Hendrix College

1- A-Fise
American Federation of Labor

September 7, 1949

Mr. Nelson Cruikshank
A.F.L. Headquarters
Washington, D. C.

Dear Mr. Cruikshank:

Thank you for your wire.

I know about Mr. Rhodes, and we had called his office. No information available, and Mr. Rhodes out for two or three weeks to come.

Because I am parsimonious, I did not put all that in the wire.

I have since called Rhodes' office and shall use the guess figure.

Thank you anyway.

Sincerely,

George S. Mitchell
Executive Director

GSM:wgd

1-a-Misc
Atomic Energy Commission

September 9, 1949

Mr. Lewis Strauss
Atomic Energy Commission
Washington, D. C.

My dear Mr. Strauss:

In my capacity as President of the Southern Regional Council I should be most grateful for your kindness in giving me an opportunity to talk briefly with you during my stay this coming week in Washington.

You may recall that we visited together at the time I accompanied Fr. Thomas F. O'Connell, of Richmond, Chairman of the Catholic Committee of the South, in connection with his testimony on the confirmation of Mr. Lilienthal.

Sincerely,

Paul D. Williams
President

PDW:wgd

H - A - Post
Ashmore, Harry

September 16, 1949

Mr. Harry Ashmore
The Arkansas Gazette
Little Rock, Arkansas

Dear Mr. Ashmore:

Here is an interesting new pamphlet we have just got back from the printer.

We have all seen an excellent beginning in the Southern press in this direction. The pamphlet, we think, can do a good deal in the hands of working newspaper people and in the hands of the people to speed and sharpen the general movement for better.

I believe Mr. Walter Johnson of the Southern Newspaper Publishers Association will be mailing out copies to all the association's members. Meanwhile, I send you a couple ahead.

Sincerely,

George S. Mitchell
Executive Director

GSM:wgd

Enclosure

1 - a Mail
Asheville Citizen-Times

September 16, 1949

Mr. Hiden Ramsey
Asheville Citizen-Times
Asheville, N. C.

Dear Mr. Ramsey:

I have been promising you off and on for a long time this pamphlet which is at last done and back from the printer.

I do hope you will like it.

I understand Mr. Walter Johnson of the Southern Newspaper Publishers Association will mail it out to all the association's members.

Sincerely,

George S. Mitchell
Executive Director

GSM:wgd

Enclosure

1- Amer. Civil Liberties Union

AMERICAN CIVIL LIBERTIES UNION
170 FIFTH AVENUE
NEW YORK 10, N. Y.

September 19, 1949

RECEIVED
SEP 23 '49
Southern Regional Council

Dear. Mr. Mitchell:

We attach a copy of our annual report just off the press, which we are ~~sure you~~ will find of interest. Your comment or questions would be welcome. Additional copies are available free on request in limited number.

Sincerely yours,

Roger N. Baldwin

Roger N. Baldwin
Director

See pamphlet files under: ACLU

1-A - Misc
Atlanta Journal

September 20, 1949

Mr. George Goodwin
Atlanta Journal
Atlanta, Georgia

Dear Mr. Goodwin:

I am enclosing all the figures we could obtain on the number of agricultural school graduates.

The U.S. Office of Education could not help and the Board of Control of the Regional Council on Education came to our rescue to this extent.

Sincerely,

(Mrs.) Norma Huff

1-a-Misc
Atlanta Constitution

September 27, 1949

Mr. Harold Martin
Atlanta Constitution
Atlanta, Georgia

Dear Mr. Martin:

I thought you would like to see this newest pamphlet from the Council.

It is already popular and, we think, is going to do a lot of good.

Sincerely,

George S. Mitchell
Executive Director

GSM:t

1 - Amer. Parents Ctee

October 4, 1949

Mr. George J. Hecht
American Parents Committee, Inc.
52 Vanderbilt Avenue
New York 17, New York

Dear Mr. Hecht:

I have tentative plans for being in New York Friday, October 14, the date of the luncheon.

I can't yet be sure, so I can't make a definite reservation. Nevertheless, if I am in the city I will turn up, and shall give you as much advance notice as I can.

Sincerely,

George S. Mitchell
Executive Director

gsm/t

THE AMERICAN PARENTS COMMITTEE, INC.

National Office: 52 Vanderbilt Ave., New York 17, N.Y.
Washington D. C. Office: 132 Third St., S.E.

September 29, 1949

TO THE MEMBERS OF THE BOARD OF DIRECTORS OF THE AFC:

There will be a luncheon meeting of the Board of Directors of the AFC on Friday, October 14th at 12:30 in Room No. 4 at the Uptown Club, 60 East 42nd St., New York City.

Mrs. Jack Fahy, our Executive Director, is coming from Washington to report on the work of the AFC staff during the Eighty-first Congress and to discuss proposed AFC legislative activities for the coming winter.

We don't have many meetings of the Board and I hope that everyone will attend this one. The charge for the luncheon will be $2.50, including tip. Please advise on the enclosed postcard whether or not to expect you.

Sincerely yours,

George J. Hecht

GEORGE J. HECHT
Chairman

Chairman
GEORGE J. HECHT — President of Parents' Institute, Inc. (Publishers of Parents' Magazine and School Management). Founder and Secretary for 20 years of the Welfare Council of New York City; Vice-Pres., Social Legislation Information Service; Executive Committee, National Social Welfare Assembly

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MRS. JACK B. FAHY—Washington, D.C.

RECEIVED
OCT 3 1949
Southern Regional Co

1- a Music
Atlanta Council of Church Women

ATLANTA COUNCIL OF CHURCH WOMEN
ATLANTA, GEORGIA

October 24, 1949.

My dear Miss Taylor,

Please accept the warmest thanks of the Council of Church Women for your outstanding contribution to our mission study meetings held at All Saints Church in October.

Most sincerely yours,

Ruth H. Pendergrast (Mrs. J. B.)

Corresponding secretary.

RECEIVED
OCT 26 1949
Southern Regional Council

1-a-Misc
American Council on
Human Rights

October 6, 1949

Mr. Elmer Henderson, Chairman
American Council on Human Rights
1130 6th Street, NW
Washington, D. C.

Dear Mr. Henderson:

A couple of weeks ago our Council got out this pamphlet. It is popular already. Time and Newsweek have both picked it up and given it good stories. N.C. Mutual Life Insurance Company bought a thousand to mail to policy holders. Various church groups have bought it in blocks, five hundred or so at a time, to get out. The Southern Newspaper Publishers Association has already sent it to all the white papers in the South.

The next thing is to get it into the hands of interested readers of the papers all over the South. I can think of no group which would be as ready as yours to see the possibilities of a local action program based on this pamphlet. The thing we hope for is that in town after town across the South small committees, preferably of both races, will go, little green book in hand, to their editor and ask for his best effort in following the book's rules.

I would be most grateful if you would consider seriously whether the American Council on Human Rights, or its component organizations, could in some way purchase a sizable batch of the pamphlets and get them out to people who could use them effectively.

It isn't as though this idea were brand new in the South. Many papers have been doing a good deal better in the last two or three years. This can greatly swell and importantly shape an already perceptible movement.

Sincerely,

George S. Mitchell
Executive Director

gm/t

1- American Jewish Congress

AMERICAN JEWISH CONGRESS
COMMISSION ON LAW AND SOCIAL ACTION
1834 Broadway, New York 23, N. Y. • Telephone CIrcle 6-1900

October 18 1949

Southern Regional Council
Atlanta
Georgia

Gentlemen:

I should appreciate it if you would send me a copy of your most recent report, described in the NEW YORK TIMES of October 17.

Thank you in anticipation.

Yours sincerely,

Will Maslow

Will Maslow,
Director

tw

Sent 10/20/49

RECEIVED
OCT 20 1949
Southern Regional Council

34

October 18, 1949
Dict. October 17

Mr. Theodore Freedman
226 South Salisbury Street
Raleigh, North Carolina

Dear Ted:

Fleming got through to me a message about people wanting speeches made in Portsmouth and/or in Raleigh November 22 and 23.

It so happens I am to be in Raleigh on November 24 and the morning of November 25. I could be in Portsmouth on the 23rd or in Raleigh on the 23rd. What do you want done?

Sincerely,

George S. Mitchell
Executive Director

gsm/t

MEMORANDUM

October 13, 1949
Dict. October 12

TO: GSM
FROM: HCF

Last night I talked to Ted Friedman, the Anti-Defamation League guy in Raleigh. He said that groups in Portsmouth and Raleigh both wanted you to speak to them on November 22 or 23. He said if either of those dates were possible, you could take your pick of the place, but he thought you might do more good in Portsmouth. I promised him I would pass this on to ~~Dick~~ and that you would write him about availability.

Morris Abram called today apropos of a current attempt to get Dick Rich to pay for publication of a leaflet on the Southwide Conference of Church Women. (You may or may not think this is a good idea; it was initiated by Alex in a talk with Mrs. Tilly.)

Morris said that Dick Rich had a number of questions about the conference and its follow-up and is also interested in the Southern Regional Council. He suggested that it would be an excellent opportunity for you to visit Mr. Rich, inform him about the Council, and further your relationship with him. (Do you know him?) Mrs. Tilly knows about this. You will probably want to talk with her further about it.

HCF

November 2, 1949

Mr. Harry Ashmore, Editor
Arkansas Gazette
Little Rock, Arkansas

Dear Mr. Ashmore:

Enclosed is a copy of an article prepared by Dr. A. Stephen Stephan, of the University of Arkansas, for the forthcoming issue of New South. As you will see, it is a progress report on race relations in Arkansas during the past year.

It occurred to Dr. Stephan and to us that the article would be of some interest to the readers of the Arkansas Gazette. If so, please feel free to use it in any way you see fit.

Sincerely yours,

Harold C. Fleming
Director of Information

enclosure

cc: Dr. A. Stephen Stephan

1-A-Misc. - Assoc. Negro Press.

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PHONE OAKLAND 6400

WASHINGTON BUREAU
1915 14TH STREET, N.W.
WASHINGTON, D.C.
MICHIGAN 6400

CABLE ADDRESS:
NEGROPRESS, CHICAGO

November 3, 1948

RECEIVED
NOV 5 1948
Southern Regional Council

Mr. Harold C. Fleming,
Director of Information,
Southern Regional Council, Inc.,
Room 432,
63 Auburn Avenue, N. E.,
Atlanta 3, Ga.

Dear Mr. Fleming:

We will appreciate your getting material to us. We believe that will be more effective than if we use our correspondent who must also cover for a local chain. We believe in the Southern Regional Council and wish to do whatever we can to aid its work.

Regards to Mr. Mitchell.

Sincerely,
THE ASSOCIATED NEGRO PRESS,

C. A. Barnett.
Claude A. Barnett.

ir

1-A- Misc--
Amer. Jewish Congress

November 11, 1949

Mr. Morroe Berger
American Jewish Congress
Commission on Law and Social Action
1834 Broadway
New York 23, N. Y.

Dear Mr. Berger:

I am glad to send you such information as we have about the bill introduced in the Georgia legislature which would bar foreign-born persons from holding elective office.

This bill, designated as Senate Resolution 23, was introduced in the Georgia senate on January 25, 1949. It was read once, then referred to the Committee on Amendments to the Constitution. There it remained for the duration of the 1949 session. Whether or not it will be reported out by the committee in the 1950 session, of course, remains to be seen.

Sincerely yours,

Harold C. Fleming
Director of Information

American Jewish Congress

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1834 BROADWAY • NEW YORK 23, N. Y. • CIRCLE 6-1900

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MALCOLM ROSS
ARTHUR H. SCHWARTZ
HARRY SHULMAN
EDWARD S. SILVER
SIMON SOBELOFF
RODERICK STEPHENS
MICHAEL STRAIGHT
HAROLD TAYLOR
JACOB J. WEINSTEIN

November 8, 1949

RECEIVED
10 1949
Southern Regional Council

Mr. Harold C. Fleming
Director of Information
Southern Regional Council
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear Mr. Fleming:

As you may know, this Commission annually prepares a balance sheet of group relations in the United States, in conjunction with the NAACP. In gathering material for the 1949 report, we have come across a newspaper clipping which states that on January 26, 1949 a bill was introduced in the Georgia Senate to prevent foreign-born persons from holding elective state offices. I have written to the Secretary of State of Georgia, asking whether or not this bill passed either House, was reported favorably by a committee, and so on. Today I received his reply, stating that the information was not "available for distribution." I should appreciate your letting us know what information you may have on the fate of this bill, or where we can inquire about it.

Thank you very much.

Sincerely yours,

Morroe Berger

Morroe Berger
Research Consultant

MB:aw

Read once + referred to committee

1- A- Misc -
Anti-Defamation
league

November 14, 1949

Mr. Theodore Freedman, Director
Raleigh Regional Office
Anti-Defamation League
226 South Salisbury Street
Raleigh, North Carolina

Dear Ted:

Thanks for your letter of November 9.

I am to be in Raleigh Friday the 25th for Bishop Waters, and will try to get to see you. I have to go on to Greensboro that night to be at Guilford College.

It is all I can do to get people to pay my expenses for riding around making speeches. Only the very rich ever offer me extra money besides.

All kinds of luck to you in Raleigh.

Sincerely,

George S. Mitchell
Executive Director

gsm/g

ADL ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH
SOUTHERN OFFICE - 11 PRYOR ST. S.W. - ATLANTA 3, GA.

226 S. Salisbury Street
Raleigh, N. C.
November 9, 1949

CHAIRMAN OF BOARD
JUDGE EMANUEL LEWIS

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ASSOCIATE DIRECTOR
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NATIONAL COMMISSION
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Executive Vice-Chairman

JACOB ALSON
Treasurer

BENJAMIN R. EPSTEIN
National Director

Dr. George Mitchell, Director
Southern Regional Council, Inc.
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

RECEIVED
10 1949
Southern Regional Council

Dear George:

Please excuse the delay in replying to your letter. Alex keeps me on the road most of the time and when I finally do get back to the office I'm forced to adjust to home life all over again.

We had made plans to utilize your services by having you speak to the student body at N.C. State College and the B'nai B'rith lodge on the 23rd of November. However, most of the students will be going home for Thanksgiving and we called the whole thing off. I hope that I can in the future call on you again to speak to some of the groups in and around this area. Do you have an honorarium? What about expenses?

Cordially,
Ted
Theodore Freedman
Director, Raleigh Regional Office

1-9-1948 Misc. — Albright, Joseph

December 1, 1948

Mr. Joseph Albright
Veterans Administration
Washington, D. C.

Dear Mr. Albright:

You wanted a copy of October New South. Here it is.

Could not your office enter a subscription to New South? It now costs $1.50 a year.

Sincerely,

George S. Mitchell
Executive Director

GSM:t

1-A - Misc. -
Armstrong, Margaret

December 1, 1949

Miss Margaret Armstrong
250 Norfolk Avenue
Lynchburg, Virginia

Dear Marg:

I expect to be knocking on your door by 7:30 or 8:00 this coming Monday Morning, December 5.

I will be taking the 10:20 p.m. southbound train that same night so my only need is a napping place Monday Morning. I look forward to seeing you. As far as I know, I am free for the late afternoon, and we ought to get together. The thing I have to talk to is a dinner meeting that starts at 6:30 p.m.

Sincerely,

George S. Mitchell

GSM:wgd

1-A- Misc. -
Armstrong, Margaret

November 10, 1949

Miss Margaret Armstrong
252 Norfolk Avenue
Lynchburg, Virginia

Dear Marg:

Some people that run some sort of Religion and Labor thing, white and colored, have asked me to come up and make a speech at them for a dinner meeting Monday, December 5, and I have promised to go. You are invited, along with anybody that would be interested.

I will get some of your company during the afternoon in one way or another, but it would be very nice if you found yourself free to turn up at their meeting. The man I am dealing with is Ben Segal, of the Textile Workers Union of America. His address is 1100 Church Street, Lynchburg (or P. O. Box 1039). The telephone number is 7-2789.

I told him I had a sister-in-law up there and he said by all means get her to come, and bring everybody she knows.

I am the one, you know, who gets the benefit of the blue nightie.

1- Amer. Parents Cttee

the American Parents Committee

An incorporated, non-profit, public-service association

Working for Better Conditions for Children—Nationally and Locally

Kindly address your reply to office checked: ☒ NATIONAL OFFICE: 52 Vanderbilt Ave., New York 17, N.Y. ☐ WASHINGTON, D.C. OFFICE: 132 Third St., S.E.

December 6, 1949

TO THE MEMBERS OF THE BOARD OF DIRECTORS OF THE APC:

There will be a meeting of the Board of Directors of the APC on Monday December 19th at 4:15 promptly in the offices of Parents' Magazine, 52 Vanderbilt Avenue, New York.

Mrs. Jack Fahy, our Executive Director, is coming from Washington to discuss the proposed APC's legislative program for the coming session of Congress.

We don't have many meetings of the Board and I hope that everyone will attend this one. Please advise on the enclosed postcard whether or not to expect you.

Sincerely yours,

George J. Hecht

GEORGE J. HECHT
Chairman

Chairman

GEORGE J. HECHT — President of Parents' Institute, Inc. (Publishers of Parents' Magazine and School Management). Founder and Secretary for 20 years of the Welfare Council of New York City; Vice-Pres., Social Legislation Information Service; Executive Committee, National Social Welfare Assembly

Vice-Chairmen

DR. HENRY NOBLE MacCRACKEN — Former President, Vassar College, Poughkeepsie, N.Y.

MRS. DOROTHY CANFIELD FISHER—Novelist (as Dorothy Canfield) and Educational Authority, Arlington, Vermont

WALT DISNEY—Motion Picture Producer, Hollywood, Calif.

ROBERT L. JOHNSON—President, Temple University, Philadelphia, Pa.

Treasurer

HAROLD A. RICH—Vice-President, Chase National Bank, New York

Secretary

MELVYN GORDON LOWENSTEIN—Attorney, New York

Executive Director

MRS. JACK B. FAHY—Washington, D.C.

RECEIVED
7 '49
Southern Regional Council

a-Mrs

December 7, 1949

Mrs. Morris Abram
1414 East Rock Springs Court, N. E.
Atlanta, Georgia

Dear Mrs. Abram:

Here is a paragraph from a letter I got today from the professor of sociology at Winthrop, an old friend of mine named Dorothy Jones.

"During the S. C. Conference of Social Work I had the pleasure of attending the morning session of the Southern Regional Council meeting. It was far and away the most excellent section of the Conference, in my opinion. The speaker, M . Morris Abram, a lawyer from Atlanta, was absolutely superb."

Sincerely,

George S. Mitchell
Executive Director

GSM:wgd

1-A-Misc. —
Allen, Mary S.,

MEDICAL COLLEGE
OF THE
STATE OF SOUTH CAROLINA
ALUMNI ASSOCIATION

December 13, 1949

RECEIVED
DEC 15 1949
Southern Regional Council

Mr. Harold C. Fleming
Director of Information
Southern Regional Council, Inc.
Atlanta, Georgia

Dear Mr. Fleming:

Thank you very much for your letter of December 5 and for the copy of Dr. McFall's survey of hospital facilities for Negroes in South Carolina. Before using this material I shall certainly get his consent.

The Bulletin of the Medical College of the State of South Carolina is published quarterly. As it happens our next issue is rather crowded with reports of the recent Post-Graduate Seminar but I hope I shall be able to use your material in the spring issue.

Very truly yours,

Mary S. Allen

1 - Amer Council on R.R.

AMERICAN COUNCIL ON RACE RELATIONS

4901 South Ellis Avenue • Chicago 15 • Phone KEnwood 6-8101

CLARENCE E. PICKETT
Chairman of Board

CHARLES H. HOUSTON
Vice-President

LEONARD M. RIESER
Secretary-Treasurer

LOUIS WIRTH
President

December 30, 1949

Mr. George S. Mitchell
Executive Director
Southern Regional Council, Inc.
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

RECEIVED
JAN 3 1950
Southern Regional Council

Dear George:

Thank you for your letter of December 22 supplying us with the information regarding your State Divisions, affiliated committees and the New Orleans Chapter. We needed that information to correct our mailing lists.

I hope to see you soon, but in the meantime, my very best wishes for the New Year to you and yours.

Cordially,

Louis

Louis E. Hosch
Executive Secretary

BOARD OF DIRECTORS

Will W. Alexander - Mary McLeod Bethune - Homer S. Brown - Ralph J. Bunche - James B. Carey - Edwin R. Embree
Marshall Field - Lloyd K. Garrison - Sidney Hollander - Fred G. Holmes, M.D. - Charles S. Johnson - The Reverend John LaFarge
P. L. Prattis - Robert Redfield - Bishop William Scarlett - Boris Shishkin - Sara E. Southall - Genevieve Steefel
Channing H. Tobias - Willard S. Townsend - Louis S. Weiss - Walter White - Donald R. Young

1- Amer. Council on RR

December 22, '49

Dear Lois,

Chattanooga has an independent, local Interracial Committee. I know little about it, but think it does some good every now and then. Maybe someday it will join our (quite separate) Tennessee Division of the Southern Regional Council, but it hasn't yet.

Here are the State Divisions:

Florida Division of the Southern Regional Council
Wm. W. Gibbs, Ingraham Bldg., Miami, Fla., Bhairman
Kentucky Division etc etc
J. M. Tydings, Lincoln Institute, Lincoln Ridge, Ky., Chrmn.
Mississippi Division etc
The Rev. Mr. H. Brent Schaeffer, 1525 Robinson St., Jackson, Miss., Chrmn.
South Carolina etc.
J. M. Dabbs, RFD 1 , Mayesville, S.C., Chrmn
Alabama Division, etc.
A. D. Beittel, Talladega College, Talladega., Chrmn.
Tennessee Divisionetc
Alfred Mynders, Chattanooga Times, Chattanooga, Chrmn.
North CarolinaDivision, etc.
The Rev. Mr. Leon Russell, Goldsboro, N.C., Chrmn.
Affiliated State Interracial Committees
Georgia Committee on Interracial Cooperation
The Rev. Dr. R. L. Russell, Room 401, 63 Auburn Ave., NE Atlanta 3, Ga., Director
Texas Commission on Interracial Cooperation
Mrs. James S. Crate, 2410 Inwood Drive , Houston, Tex.m Chairman

The Neow Orleans Committee on Race Relations is an integral part of the SRC., as the N.O. Chapetr of SRC

The ~~Xxxxxxx~~ Department of Interracial Cooperation of the Virginia Council of Churches, Richmond , has a friendly but informal link with the Southern Regional Council.

Most anxious to see you,

AMERICAN COUNCIL ON RACE RELATIONS

4901 South Ellis Avenue • Chicago 15 • Phone KEnwood 6-8101

LOUIS WIRTH
President

CLARENCE E. PICKETT
Chairman of Board

CHARLES H. HOUSTON
Vice-President

LEONARD M. RIESER
Secretary-Treasurer

RECEIVED
DEC 19
Southern Regional Council

December 15, 1949

Mr. George Mitchell
Southern Regional Council
63 Auburn Avenue, N. E.
Atlanta, Georgia

Dear George:

Sometime ago, The Saturday Evening Post (7/30/49) referred to the Chattanooga Interracial Committee, and last year in a news clipping from the Chattanooga Times, the Tennessee Division of the Southern Regional Council was mentioned. Are these the same agency or two separate bodies? We would appreciate any information you can give us about them including correct name of agency, address, and name of executive or chairman.

If you have such a list which you could conveniently send us, we would find it helpful if you have the names and addresses of all of the various state divisions of the Southern Regional Council.

I will be in Georgia after Christmas for several weeks and will doubtless be seeing you and Mrs. Tilly. As you probably know, my work with the Council will be completed this month.

Cordially,

Lois Gratz

Lois Gratz
Staff Assistant

uopwa-39-cio

Will give you data re fund prospects then.

BOARD OF DIRECTORS

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P. L. Prattis - Robert Redfield - Bishop William Scarlett - Boris Shishkin - Sara E. Southall - Genevieve Steefel
Channing H. Tobias - Willard S. Townsend - Louis S. Weiss - Walter White - Donald R. Young

January 8, 1950

Dr. Will W. Alexander
New Hope Farm
Route 3
Chapel Hill, North Carolina

Dear Dr. Alexander:

It is indeed kind and generous of you to wish to contribute your expenses for the trip to Atlanta. It does help us a great deal.

Because I thought you would want your contribution to show up on our books, I sent you the check. You may either endorse it and return it to us or write another check for that amount. In this way the contribution passes through our cash receipts book and is considerably easier to account. This is some extra nuisance but does clarify the record keeping.

I enclose a receipt in the event that you may wish to consider the contribution as tax deductible.

We do hope the farm is prospering. Do come and see us when you can.

Sincerely,

(Mrs.) Norma Huff
Secretary-Treasurer

NH:jwh
encl.

WILL W. ALEXANDER
NEW HOPE FARM
ROUTE 3 - CHAPEL HILL, N. C.

Dear George: Please credit the expenses of the trip to Atlanta and my contribution for the year, & wish it could have been more productive.

Season's greetings & warm regards

Will W. Alexander

Dec 27-50.

A.

January 24, 1950

Chief Petty Officer James W. Armstrong
U.S.N.R. Station
Wytheville, Virginia

Dear James:

A couple of weeks ago, I had a day in Norfolk and saw Mary Jane Tillett. She said she had an uncle in Wytheville by the name of J. W. Hutton. I believe he had something to do with the court or the mayor's office. In any case, I promised her to write you that you could count on friendly support from Mr. Hutton.

I have been to Florida for ten days and am very sunshiny.

The Lord knows when I will get to Wytheville or whether my biddie could get over those hills, but I will try.

Sincerely,

George S. Mitchell
Executive Director

GSM:wgd

A

January 24, 1950

Mr. L. W. Armwood, Executive Secretary
Jacksonville Urban League
704 Broad Street
Jacksonville 2, Florida

Dear Mr. Armwood:

It was very kind of you to give me the opportunity to talk with your Advisory Board the other afternoon. I enjoyed the occasion and the company.

Will you be so kind as to send me a copy of the report you made on following-up on the Jacksonville survey. I would like very much to add it to our files on that subject.

Sincerely,

George S. Mitchell
Executive Director

GSM:vgd

Rec'd —
filed under SRC: Community Surveys — Jacksonville

A misc

February 3rd, 1950

Mrs. W. G. Alsabrook
Box 21
Brenham, Texas

Dear Mrs. Alsabrook:

We have your card, directed to the attention of Mrs. Saxon, asking that we send you a check in the amount of $1.50 which you state you have credited to you since 1947.

Mrs. Saxon is not now with the Council, and we are unable to find any record of this item. So won't you please write us further, giving us additional information, so that we may try again to locate it ?

Sincerely yours,

(Mrs.) Agnes McKoy
Secretary-Treasurer

Brenham, Texas.
Feb. 11th. 1950

Southern Regional Council, Inc.
Atlanta 3, Ga.

{attention:
Mrs. Charles D. Sawyer
Pres. Division}

Gentlemen:

Please send me a check to the amt of $1.50 which I have credited to me since 1947. I am sorry to have neglected to do this sooner.

Yours very truly,
Mrs. W. H. Alsobrook
Box 21 - Brenham, Texas.

RECEIVED
FEB 13 1950

Misc - A

March 7, 1950

The Reverend Mr. Annoyer
Livingstone College
Salisburg, N. C.

Dear Mr. Annoyer:

I happen to subscribe to the Pembroke Progress, which in its March 2 issue carried brief notice of your appearance at Red Springs High School.

Our Council has been feeling about for ways in which to get advantage taken of the presence in the South of numerous students from Africa. I have tried to get contacts worked out through colleges and churches. It would help everybody if the various institutions, particularly white ones, would use this remarkable opportunity to learn about things in Africa.

Will you be good enough to write me advice on the subject?

Sincerely,

George S. Mitchell
Executive Director

GSM:wgd

The Pembro

Vol. 3, No. 36 Pembroke, N. C.

BYGONES

THURSDAY, MARCH 3, 1949

The $50,000 Prospect Church is near completion.

The final service for Religious Emphasis Week at PSC which had for its theme, Christ, the Way, the Truth, and the Life, was held on Friday in the college auditorium with Dr. J. Winstead Pearce pastor of the First Baptist Church in Durham, the speaker.

Two three act plays, Plain Sister, and The Old Home Place, are in the rehearsal stage at PSC.

The first work day held at the Pembroke Orphanage was a success.

Rev. Linwood Blackburn, of Fayetteville and Wadesboro, and former head of the Central Training School of the Methodist Church in Quessua, Angola, Africa, is the first full time pastor of the First Methodist Church of Pembroke.

The current issue of the Pembroke Progress will be among the items placed in the cornerstone of Sampson Hall at the corner stone laying ceremonies which will be held March 9th.

Miss Gladys Hunt received her cap Feb. 8 at the Erlanger School of Nursing in Chattanooga, Tenn.

Fred Lowry, Magenta Johnston and Carlee Chavis are the three seniors of PSC who will complete, this quarter, their work for graduation.

Archie Locklee celebrated his 49th birthday last week.

Miss Nan Lewis was honored with a surprise birthday party by Mr. and Mrs. Carl Stubbs.

Births announced are Keith Lowry, son of Mr. and Mrs. Henry Ford Lowry; Lorraine Smith, daughter of Mr. and Mrs. Henry Smith, and Grace Regina Adams, daughter of Mr. and Mrs. Kenneth Adams, the former Miss Helen Haefele.

The dramatics department of PSC sponsored a tea in honor of Carolla Belle Williams, actress, and her manager, Miss Evelyn Haynes. Mrs. Helen Sampson, a senior, a home ec. major, and a talented actress at PSC, supervised the tea.

A tea was given in the music room at PSC in honor of Rev. J. Winson Pearce, speaker of Religious Emphasis Week.

Miss Stinebring Talks On Mexico

Miss Frances Stinebring of the English department of Pembroke State College, spoke to the members of the Spanish classes Wednesday morning about her summer trip to Mexico. She told of her experiences while in the south of the border country, gave some historical and legendary information concerning Mexico, and exhibited several articles which she had brought back with her on the trip.

LAW POURS OUT BOOTLEG LIQUOR

LUMBERTON Police Officers Ralph Powers and I. P. Britt inspected the home of William W. Worley, 26-year-old Negro, at 118 Rose street Thursday night of last week and came away with 13 gallons of white lightning—and Worley.

THE TWO officers who made the raid are shown at right with their catch, while members of the department are seen above consigning the rot-gut to the Lumber River behind the police station.

THE WATER'S fine. Come on in!

Divorces Are Granted

Divorces granted in Robeson Superior Court this week included:

Douglas J. Phillips from Ailene Phillips.

Bessie Locklear Chavis from Randolph Chavis.

Grace Nobles Stanley from Wilson Poe Stanley.

Bernice Stephens from Wilton Stephens.

James H. Fields from Gretchen

WSCS Executive Council Meeting

The members of the Executive Council of the Women's Society of Christian Service of the First Methodist church entertained with a planning - fellowship luncheon from 11 until 2 on Wednesday at the home of Mrs. Lenwood Blackburn. Honor guests included Mrs. Margaret Daughtrie, promotion secretary of the Wilmington District of the W. S.-C. S.; Mrs. Laura K. Sutton, district secretary of student work and Mrs. Victor Venters, district secretary of children's work.

Temporary Halt In Plans For Potato Growers

Inability to secure enough subscriptions to finance the capital stock of the proposed Tri-County Yam Growers, Inc. has resulted in a temporary abeyance in plans of the group, announced G. T. Ashford, temporary chairman, recently.

"However," says Mr. Ashford, it is hoped that further marketing

RECEIVED
MAR 6 1950
Southern Regional Council

ke Progress

One Of
Robeson County's
Hometown Newspapers

THURSDAY, MARCH 2, 1950 5c A COPY

$2500 Taken In Safe Robbery At Parkton

College Items On Display At Washington

Pembroke State College Art Department is being represented in the exhibit of the Congressional Club in Washington this week. Pieces for display were brought from various sections of the United States as examples of work being done in this land of ours.

Wives of the congressmen are sponsoring the exhibit. Mrs. Ertel Carlyle, wife of the congressman from this district, requested that articles from the college be entered in the exhibit. She visited the campus last Friday and selected one extra piece of stencil work for the showing.

A rug made by Wiley Ray Chavis, a luncheon mat made by Gola Lowry, a piece of pottery made by Stanton Locklear, and a textile print made by Elmer Hunt, were purchased by Mrs. Carlyle for the exhibit. Following the three days of exhibition articles on display will be auctioned.

Miss Angelika Reckendorf is head of the art department. Articles from the PSC Arts Department, made under the supervision of Miss Reckendorf, have previously won prizes.

Boys Charged With Entering Pembroke Store

Two teen-age boys were apprehended Monday night by Rural Policeman D. J. Jones and John Scott and charged with stealing groceries, candy and ice cream from the B and B Feed Store, owned by Dorsey V. Lowry, Sr.

The store was broken into Sunday night and part of the loot hidden back of the fish market. The boys were apprehended when they returned for their cache **Monday night.**

The two also were identified as the pair who broke some 200 win-

Bishop Peele Here For Emphasis Week

Bishop W. W. Peele will be the speaker during Religious Emphasis Week at Pembroke State College this year. Services will be held in the college auditorium March 27, through March 31 at 10 A. M., and 7:30 P. M.

The theme of the week will be "Christ is My Life" and will emphasize Christ in the life of the individual in relationship with the lives of others. Music will be under the direction of Prof. Ira Pate Lowry.

Play Presented By Emeritans

"The Slave With Two Faces," a one-act play by Mary Carolyn Davis, was presented by members of the Emeritan Literary Society of Pembroke State College at their regular meeting held in room 6 Tuesday morning.

The cast of characters is as follows: Charles W. Oxendine Carolyn Sampson, Joyce Jacobs, Reedy Chavis, Reece Locklear William K. Locklear, Theatis Raye Locklear, Leah Locklear, Elrie Locklear, Clementine Locklear, Earl Brooks, Sally Dale Locklear, Bernice Brooks, Lee Ellen Sanderson and Katie Jones.

Stage managers were Thaddis Oxendine, Dora Marie Oxendine, Elrie Locklear and William K Locklear.

The play was directed by Mrs. Ira Pate Lowry and Miss Frances Stinebring.

Following the play, inspirational talks were made by Ethel Lee Oxendine on Successful Living and Rev. Coolidge Cummings

John Farmer Will Speak At Training Union

John A. Farmer of Columbia, S. C., will be guest speaker at the Burnt Swamp Baptist Associational Training Union banquet Friday night, March 10, at 7:30, in the grade school lunch room.

Mr. Farmer, director of Baptist Brotherhood of South Carolina will speak on the subject "Soul Winning Our Job." This

Parnell Loses Cash And Checks

Burglars early Wednesday morning took about $2500 in cash and endorsed checks from a five-ton safe in the J. Q. Parnell store at Parkton.

The dial box of the safe was cut open with an acetylene cutting tool and Sheriff Willis G. Britt described the job as the work of professionals.

Identification Officer E. W. Britt of the Sheriff's Department reported that several clues were being followed.

State Bureau of Investigation also was called in to aid ine investigation.

Deputies Paul McMillan and Jimmie Kinlaw of Parkton also joined in the preliminary investigation.

The safe robbery occurred some time between Tuesday midnight and daylight Wednesday, the Sheriff's Department said.

Entrance to the store was gained by breaking through the front door. The burglars then used bolt cutters to open the rear door and brought their truck around to the back door during the robbery, officers said.

The acetylene torch was brought for the job, but a crowbar, a pipe wrench and an axe were taken from the Parnell store's stock for use in wrecking the door of the huge safe.

Inside dimensions of the safe are approximately five feet, by fiv feet, by 30 inches deep. It is set into a concrete base.

McLeod Files For Sheriff

Malcolm McLeod, the

Miss Nan Lewis was honored with a surprise birthday party by Mr. and Mrs. Carl Stubbs.

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Music Department In New Quarters

The music department of Pembroke State College has been moved from the east section of the gymnasium to the rooms formerly occupied by the science department in the old administration building.

Study Course Begins Monday

A W. S. C. S. study course, We the People of the Ecumenical Church, will be taught by Rev. Linwood Blackburn at the First Methodist Church on March 13, 14 and 15, beginning at 7:30 o'clock. This course is being given for the entire membership of the class.

Dr. Kennedy Is Chapel Speaker

Dr. Harold W. Kennedy, head of the education department, the chapel speaker at PSC Thursday, told of some of the high lights of the National Convention of School Administrators which he attended at Atlantic City.

Piney Grove Gets Bulletin Board

Piney Grove school has recently installed a brand new bulletin board, which is being appropriately decorated by Mrs. Louise Locklear.

Equipment for the new indoor rest rooms also is arriving at the school and will be installed shortly.

Mrs. McEachern NCEA President

The Robeson County Unit of North Carolina Education Association met in Lumberton at the Joe P. Moore school, Thursday, to vote on state officers and two amendments to the N. C. E. A. construction.

H. M. Guyot, principal of Maxton school, is president of the county school unit of the N. C. E. A.

Officers for the 1950-51 term were elected as follows: Mrs. D. C. McEachern, St. Pauls, president; Mrs. Rhoda McMillan, Parkton, vice president, and Mrs. Floyd McMillan, Philadelphus, secretary and treasurer.

QUITE A CONTRAST

Heavyweight Joe Cheshul spent two years as a divinity student and almost became a sports writer before he turned to fighting.

LUMBERTON Police Officers Ralph Powers and I. P. Britt inspected the home of William W. Worley, 26-year-old Negro, at 118 Rose street Thursday night of last week and came away with 13 gallons of white lightning—and Worley.

THE TWO officers who made the raid are shown at right with their catch, while members of the department are seen above consigning the rot-gut to the Lumber River behind the police station.

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Bernice Stephens from Wilton Stephens.

James H. Fields from Gretchen McDuffie Fields.

Ruth Kemp Ford from T. A. Ford.

Will McNeill from Nancy McNeill.

Hazel Warwick Walters from Luke Rhodes Walters.

Leslie M. Willoughby from Ramona Mary Willoughby.

Inman Locklear from Mollie Mae Locklear.

James Taylor from Gertie Lee Taylor.

Mary S. Seals from L. B. Seals, Jr.

James R. Freeman from Helen B. Freeman.

Joyce Penley from Roy Jackson Penley.

Naney Bryant McGirt from Lee Thomas McGirt.

Fannie Bell Britt from Bryant Pinkie Britt.

Octavius Smith from Roena Smith.

H. E. Townsend from Mary Currin Townsend.

Ottis Floyd from Thelma Scott Floyd.

Pembroke Men At Scouters Meeting

Those from Pembroke attending the monthly meeting of the Central District Committee Boy Scouts of America held Monday night, Feb. 27, at 7 o'clock at Lumberton were Scoutmaster Walter J. Pinchbeck, G. E. Bracy, the Rev. Linwood E. Blackburn and Ira Pate Lowry. From Union Chapel were Lonnie Locklear and John L. Carter.

Attend Lecture

A group of students and faculty members from Pembroke State College attended the sixth and last in a series of lectures held by the institute of Religion in the Memorial Auditorium in Raleigh on Monday evening.

Attending from Pembroke were president and Mrs. R. D. Wellons, Dean Clifton Oxendine, James Cleo Maynor, James Carl Revels, John Earl Cummings and James Dial.

Octet Appears On Chapel Program

The Pembroke State college octet, directed by Profesor Ira Pate Lowry, has made two appearances at the chapel exercises. Last Thursday they sang "Evening Pastorale."

The members of the octet are: Ted Locklear, Daphne Jones, Artie Mae Emanuel, Maitland Demery, Estelle Sampson, Tom Carter Newman Oxendine and Robert Earl Jacobs.

Maggie Lois Brooks is piano accompanist.

ORGON'S PARK LAND

Oregon has devoted more than 60.000 acres to State parks and recreational facilities..

WSCS Executive Council Meeting

The members of the Executive Council of the Women's Society of Christian Service of the First Methodist church entertained with a planning - fellowship luncheon from 11 until 2 on Wednesday at the home of Mrs. Lenwood Blackburn. Honor guests included Mrs. Margaret Daughtrie, promotion secretary of the Wilmington District of theW. S.-C. S.; Mrs. Laura K. Sutton,district secretary of student work and Mrs. Victor Venters, district secretary of children,s work.

The purpose of the meeting was to talk over the work of the children, youth and student division in the local W. S. C. S. Helpful suggestions were given by the secretaries and by Mrs. Daughtrie.

Present at the luncheon meeting were the three guests, Mrs. R. D. Wellons, spiritual life secretary; Mrs. Delton Lowry, vice president of the W. S. C. S. Mrs. Thedore Lowry, treasurer; Mrs. Blackburn, secretary of children's work, Miss Angelika Reckendorf, secretary of student work and assistant W. F. sponsor and Miss MarjoricKanable, W. F. sponsor.

New Schedule At Postoffice

Postmaster J. R. Lowry has announced a new schedule at Pembroke Postoffice.

Beginning Wednesday afternoon, Mar. 8, the Post Office will be closed each Wednesday afternoon.

Piney Grove PTA To Meet Tuesday

The PTA of Piney Grove school will meet Tuesday night at 7:30. Superintendent B. E. Littlefield will be the speaker. Refreshments will be served.

Earl Shepherd New Ag Teacher

Earl R. Shephrd has been appointed new agriculture teacher in the Veterans school at Pembroke High school. He received his B. S. in Agriculture at Bowling Green, Ky.

Pontiac Society Presents Play

On the last day of February, the members of the Pontiac Society presented in the college auditorium the play entitled "The Old Maid's Club" by Marie Butterfield.

The cast was as follows: Margaret Scott, Marie Locklear, Sarah Catherine Locklear, Irene Carter, Joyce Dimery, Gola Lowry, Fannie Lou Maynor, Agns Hunt Chavis Sarah Lowry, Debra Jacobs, Margaret Maude Lockear, Etta B. Maynor, Adeliade Locklear and Lockey Deese.

The answers to the old maid's prayer were interpreted by Steve Locklear, the pet and Josephus Locklear, the newspaper reporter.

The stage was decorated by Gola Lowry. Red hearts were strung across the background and banners bore the signs Love, Dove and Matrimony, the key words for the actresses.

Between acts, Marie and Sarah Locklear gave readings, and Irene Carter played the violin.

The play was directed by Mary Margaret Locklear, assisted by Agnes Hunt Chavis.

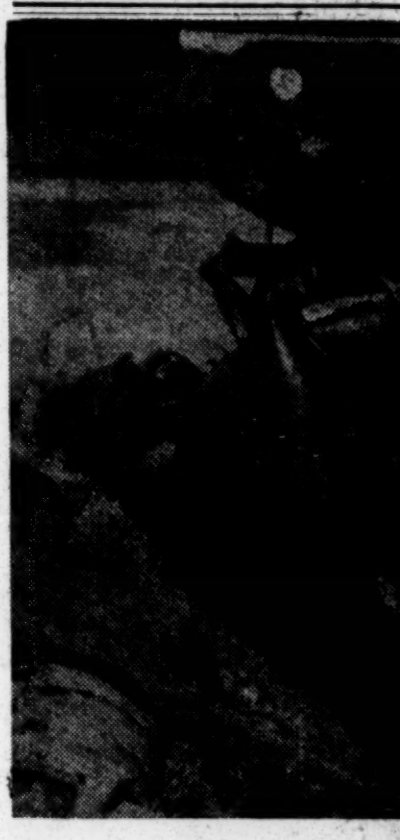
Temporary Halt In Plans For Potato Growers

Inability to secure enough subscriptions to finance the capital stock of the proposed Tri-County Yam Growers, Inc. has resulted in a temporary abeyance in plans of the group, announced G. T. Ashford, temporary chairman, recently.

"However," says Mr. Ashford, it is hoped that further marketing arrangements can be made in the summer."

Sweet potato seed can be procured at Liberty Manufacturing company, Red Springs; Pate Supply company, Pembroke; Z. V. Pate, Purvis; Lumberton Trading company, Lumberton, and T. B. Upchurch, Raeford.

The Burnt Swamp Associational Sunday school conference will be held at the Cedar Grove Baptist church on the first Sunday in March at 3 p. m. The program is planned to emphasize the work of the Sunday school visitation and enlargement.



THIS IS ALL that remained of the rode to his death Monday morning. one mile west of Fairmont.

Train-T Is

Young Father Wreck Victim

Albert C. Evans, 22-year-old employee of the State Highway Commission, was fatally injured Monday morning when sand-loaded highway truck he was driving collided with an ACL train on a county road crossing one mile west of Fairmont.

The accident occurred at 8:15 a. m. and Evans died in a Lumberton hospital three hours later.

The young truck driver was

cil work for the ...

A rug made by Wiley Ray Chavis, a luncheon mat made by Gola Lowry, a piece of pottery made by Stanton Locklear, and a textile print made by Elmer Hunt, were purchased by Mrs. Carlyle for the exhibit. Following the three days of exhibition articles on display will be auctioned.

Miss Angelika Reckendorf is head of the art department. Articles from the PSC Arts Department, made under the supervision of Miss Reckendorf, have previously won prizes.

Boys Charged With Entering Pembroke Store

Two teen-age boys were apprehended Monday night by Rural Policeman D. J. Jones and John Scott and charged with stealing groceries, candy and ice cream from the B and B Feed Store, owned by Dorsey V. Lowry, Sr.

The store was broken into Sunday night and part of the loot hidden back of the fish market. The boys were apprehended when they returned for their cache Monday night.

The two also were identified as the pair who broke some 200 window panes in the grade school building east of town Sunday afternoon.

Patrolmen For Pembroke Area

Pembroke was a station for one of the 35 Highway Patrol trainees who were graduated from the Patrol School at Chapel Hill Friday, as was announced Monday by the patrol.

The patrolman for Pembroke is Wilbur Devendorf of Asheville.

phasize Christ in the life of the individual in relationship with the lives of others. Music will be under the direction of Prof. Ira Pate Lowry.

Play Presented By Emeritans

"The Slave With Two Faces," a one-act play by Mary Carolyn Davis, was presented by members of the Emeritan Literary Society of Pembroke State College at their regular meeting held in room 6 Tuesday morning.

The cast of characters is as follows: Charles W. Oxendine Carolyn Sampson, Joyce Jacobs, Reedy Chavis, Reece Locklear William K. Locklear, Theatis Raye Locklear, Leah Locklear, Elrie Locklear, Clementine Locklear, Earl Brooks, Sally Dale Locklear, Bernice Brooks, Lee Ellen Sanderson and Katie Jones.

Stage managers were Thaddis Oxendine, Dora Marie Oxendine, Elrie Locklear and William K Locklear.

The play was directed by Mrs. Ira Pate Lowry and Miss Frances Stinebring.

Following the play, inspirational talks were made by Ethel Lee Oxendine on Successful Living and Rev. Coolidge Cummings on Success or Failure in College.

An open forum was held in which questions were asked and answered concerning the philosophy of the play.

Carlyles Visit College Campus

Representative and Mrs. F. Ertle Carlyle and Lawrence Redmond, member of the Congressman's secretarial staff, visited on the Pembroke State College campus on Friday.

Training Union

John A. Farmer of Columbia, S. C., will be guest speaker at the Burnt Swamp Baptist Associational Training Union banquet Friday night, March 10, at 7:30, in the grade school lunch room.

Mr. Farmer, director of Baptist Brotherhood of South Carolina will speak on the subject "Soul Winning Our Job." This theme will also be carried out throughout the entire program of the evening.

The banquet will inaugurate an associational Training Union Enlargement campaign March 12 and continuing through March 24. This campaign will be carried out in all churches with Training Union organizations and with other churches desiring programs of this nature.

The Associational Training Union is also promoting tournaments, contests and singing festivals which give opportunity for developing skill in using the Bible, handling of the Bible, speaking and reading from the Bible and the singing of hymns. The eliminations are to be held in the local churches before the fourth Sunday in March, at which time the associational eliminations will be held at Berea Church.

Braves End Schedule This Week

Pembroke State College Braves will end their 1949-50 home basketball schedule this weekend against two strong opponents from Fort Bragg. Friday night the Braves are host to the 325 Ordance Division. Saturday Pembroke takes on the 14th Quartermaster's Corp.

Last month the Braves won a thriling 58 to 55 game from the 325 and Saturday night the 14th Ordance handed the Pembroke All-Stars their first defeat of the season. The Braves have an overall season record of 22 wins and 7 defeats, including wins over Louisburg, E. M. I. and Campbell college.

In the preliminary games the Pembroke girls play Fairmont Friday and Union Chapl Saturday. Large crowds are expected to see Captain Ned Sampson and company conclude this seasons play.

Orphanage Work Day Is Planned

Another work day at the Pembroke Orphanage has been set for Wednesday, March 22, beginning at 8 A. M., for the men. The ladies will come later and bring the lunch for the noon hour. The ladies will also bring linens, (sheets, pillow cases, towels, wash cloths, etc.) for the linen shower for the orphanage.

It is hoped that some 200 men will be present at this work day as there still remains quite a bit of work to be done.

SPRING QUARTER

The spring quarter begins at Pmbroke Stat College on March 13. Registration began Monday of this week. The winter quarter examinations will be given next week.

of the Sheriff's Department reported that several clues were being followed.

State Bureau of Investigation also was called in to aid ine investigation.

Deputies Paul McMillan and Jimmie Kinlaw of Parkton also joined in the preliminary investigation.

The safe robbery occurred some time between Tuesday midnight and daylight Wednesday, the Sheriff's Department said.

Entrance to the store was gained by breaking through the front door. The burglars then used bolt cutters to open the rear door and brought their truck around to the back door during the robbery, officers said.

The acetylene torch was brought for the job, but a crowbar, a pipe wrench and an axe were taken from the Parnell store's stock for use in wrecking the door of the huge safe.

Inside dimensions of the safe are approximately five feet, by fiv feet, by 30 inches deep. It is set into a concrete base.

McLeod Files For Sheriff

Malcolm McLeod, the genial wholesale grocerman who last week announced that he was a candidate for the office of sheriff of Robeson county, officially filed for that officetoday.

Mr. McLeod states that he has adopted the slogan of "A Big Man for a Big Job," and was today putting out posters while on his rounds of Robeson county's grocery stores. The posters bear that slogan. Part of that big man business is due to his size as he stands over six feet and his weight is well over the 225 pound mark.

Mr. McLeod states that he is heartily in favor of the countywide police radio system for the sheriff's department, as recommended by the grand jury and by the Robeson County Association of municipal officials, and that he would also like to see established in the county sheriff's department an identification bureau.

He states that he feels that such a bureau, with trained personnel, would greatly advance criminal investigation in the county.

"I feel that the sheriff's department should have full advantage of these modern criminal detection devices and that we should make use of the fine opportunities afforded us by the Institute of Government, the State and Federal Bureaus of Investigation in training personnel and in establishing such a bureau right here in Robeson County," Mr. McLeod stated.

Miss Louise Carter Has Picture In School Paper

The picture of Miss Louise Carter, daughter of Mr. and Mrs. Marvin Carter of Pembroke and now a student at Baxter Seminary, Baxter, Tennessee, was carried with a news item recently in the "Black and Gold," the Baxtr Seminary paper, which stated that she was rpresentative at the second meeting of the Upper Cumberland Press association held in Cookville, Tennessee. Miss Carter was a staff member from Baxter.

Rev. D. F. Lowry Chapel Speaker

The Rev. D. F. Lowry, "the first graduate of Pembroke State College," spoke at the chapel exercises on Thursday morning on the subject, "Living in an Ordered World."

Among other things, Mr. Lowry stressed the importance of taking advantage of one's opportunities, not being too critical, realizing that everything worth while costs, thinking clearly ,soaring above things which are detrimental, not being afraid of life, being prepared, never taking advantages of anyone, being kind, upright and merciful and facing the world squarely.

He concluded with the poem "Great Wide Beautiful, Wonderful World."

he truck cab in which Albert C. Evans of South Robeson community g. The truck was virtually demolished in a collision with an ACL engine

Truck Crash Fatal To Driver

married and the father of two small children.

The Highway Patrol report showed that the truck hit under the cab of the right side of the engine, 27 feet from the front of the engine.

E. H. Bowie of Florence, engineer of the train, told officers that he had blown his whistle for the crossing and that when he saw the truck was not going to stop, he applied his brakes.

The truck broke the line to the air brakes and the train was stopped through use of the hand brake

Line of vision was uninterrupted for about 500 yards along the track in the direction from which the train approached the crossing, the patrol report said.

The funeral was held Wednesday morning at 10:30 from Oakdale church with the pastor, Rev. Elliott Britt, officiating.

Surviving are the wife, the former Miss Miriam Edwards, and two children, Jerry, 2, and Burney, 1; the parents, Mr. and Mrs. B. N. Evans, three brothers, Woodrow Evans, B. M. Evans, Jr., and Blanco Evans, all of South Robeson community; and two sisters, Mrs. Roland Spivey of South Robeson and Mrs. Jimm Burchett of Dayton, Ohio.

RADIO HELPS ELECTRICITY—No more checking back into the office to pick up service complaints. Troubleshooters of Carolina Power & Ligh Company now are equipped with office-to-truck an truck-to-truck radios. Upper left, a divisional maintenance man calls a truck ten miles away. Below, a line man gets the message. Right, the crew is on the job, putting juice in a remote farmhouse which in th old days might have been blacked out for a couple o' days.

RS Students Hea African Student

The students of the Red Spri High School recently heard an teresting lecture by a nat African student, the Rev. Ann er, from Livingstone College, S isbury, N. C. Rev. Annover to the students of the customs a habits of the African people. T students were astounded at t matrimonial system of some of t tribes and the abundance wealth.

The P. T. A. of the school he its monthly meeting with J. McRae presiding. Final pla for the erection of a playgrou were discussed. Members of t P. T. A. are giving bags of ment for the basic work.

Under the direction of t Misses R. A. Thomas and F. Jacobs, a Vesper Service was co ducted at the Red Springs scho on February 26, at 3 P. M. T service was beautifully carri out and enjoyed by all who a tended.

On Wednesday, March 1, seventh grade was in charge o "Talent Show" at the school. S dents from the entire student bo participated in the show.

The elementary departmen took charge of the assembly p riod on Feb. 28. An interestin "Health Program" was carrie out by the students.

EVERY CAR REDUCED
EASY TERMS
ALL MAKES AND MODELS

USED CAR Sale

NEW 1950 MODEL CARS

NOW SELLING

Hea

FMC SOCIAL NOTES

Wilma Ratchford, of Gastonia and Sophia Zae, of Strasburg were speakers at the regular meeting of the Flora Macdonald college student International Relations club, held in one of the college parlors on Wednesday evening.

They held a spirited discussion on "Why and Why Not the United States Was Justified in Getting Out of China," with Miss Ratchford outlining the reasons in favor of the move, and Miss Zae pointing out the mistake of the action. The program was in charge of Dewie Buie, of Norfolk.

The club president, Anna Jordan, of Bishopville, S. C., presided at the business meeting, at which time Katrina Hubble, of Bland, and Nell Lowe, of Clinton, were appointed to represent the club at the regional IRC convention in Harrisonburg, Va., March 15-16. The president, Miss Jordan, will also attend the regional meeting.

The theme of the freshman-sophomore dance at Flora Macdonald college on Saturday evening, "Dreamer's Holiday," was accented in phrases from the song in various phases of the decorations. The rotunda at the entrance to the dance hall was overhung with a simulated soft blue sky, studded with stars, and the dancers in the opening figure emerged from behind a huge blue and silver butterfly—just opposite, a silver half-moon formed the bandstand for the orchestra. The backdrop showed a couple sitting on a misty cloud, with silvery figures underneath, representing the "Dreamer's Holiday."

Taking part in the opening figure were the dance chairmen Jeanne Fuller, of Fort Bragg, and Barbara Hill, of Graham, with their escorts, Furman Ammons, of Red Springs and Alex Goley, of Davidson; sophomore and freshman class presidents, Emily Nan Grier, of Charlotte, and Virginia Buhler, of Graham, with their escorts, Raymond Maxwell, of Raeford and Bill Bradford, of Davidson; other class officers, Margaret Comer, of Ellerbe, with Bill Hicks, of Hamlet; Sophia Zea of Strasburg, Va., with Leon Harrison, of Dillon, S. C.; Jean Parker, of Pollocksville, with Bill Fulcher of Patuxent River, and Jean Sandifer, of Charlotte, with Bob Erwin, of Davidson. Committee chairmen with their escorts, in the figure, were Elaine Pierce, of Evergreen, with Al Buie, of Carolina, Peggy Henderson, of Charlotte, with Gordon Hayes, of Morehead City, and Betty Ann Brunson, with Dick Lashley, both of Fayetteville.

Refreshments were served in the rotunda during second intermission. Sixty couples danced to the music of Syd Davis and his orchestra from Rocky Mount. Chaperons were Dr. and Mrs. Marshall Scott Woodson, Mrs. Hinton McLeod, Miss Ethel Bateman, Mr. and Mrs. Leslie Bullock, and William G. Coxhead.

BROIL CAREFULLY

Try sprinkling a ham slice that is to be broiled with brown sugar. Broil carefully so that the sugar doesn't scorch.

GIVE THE PERSON YOU ARE TELEPHONING TIME TO ANSWER

Wait at Least 10 Rings

Very often the person you are telephoning cannot drop everything to answer the telephone. So, when telephoning, it's a wise policy to wait a minute—that's ten rings—before hanging up.

This gives the person you are calling a reasonable time to answer. You'll also be likely to complete a lot more telephone calls this way. And your consideration will help us to serve everyone more efficiently by cutting down the number of "incompleted" calls. So always wait 10 rings—won't you, please?

Carolina Telephone & Telegraph Co.

MAXTON RED SPRINGS

See the quality

Before you look at that amazingly low price tag, look at Ford's "Fashion Car" styling. It's more beautiful than ever. Run your finger over the baked-on enamel. It's "built to live outdoors." Feel the long-lived upholstery. Look where you will—you'll see Ford's quality.

r the quality

Ride herd on Ford's 100-horsepower V-8 engine. Sure, Ford's the liveliest power in its field, yet it never raises its voice. New super-fitted pistons, new "hushed" timing gear, new camshaft for quiet valve action and Ford's new silent-spin fan result in power that whispers while it works.

RADIO HELPS ELECTRICITY—No more checking back into the office to pick up service complaints. Troubleshooters of Carolina Power & Ligh Company now are equipped with office-to-truck an truck-to-truck radios. Upper left, a divisional maintenance man calls a truck ten miles away. Below, a lineman gets the message. Right, the crew is on the job putting juice in a remote farmhouse which in th old days might have been blacked out for a couple o' days.

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EASY TERMS
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USED CAR Sale

NEW 1950 MODEL CARS

NOW SELLING

Below List Price

Be sure to come by our lot before you buy, and make us an offer. See how much you can save. Factory guarantee on all new cars.

WE HAVE THE BIGGEST SELECTION OF NEW AND USED CARS IN THIS SECTION

Be Sure To See Us Before You Buy!

NEW CARS ON OUR LOT

1950 Oldsmobile "88" Holiday Coupe
1950 Pontiac 4 door green fully equipped
1950 Pontiac black 2 door Chieftan fully equipped
1950 Mercury 4 door, light blue fully equipped
1950 Ford 4 door Custom, maroon, radio and heater
1950 Ford black 2 door, radio and heater
1950 Ford black 2 door, standard
1950 Ford 2 door Custom, blue
1950 Chevrolet Fleetline 4 door, green

EXTRRA CLEAN . . . LOW MILEAGE USED CARS

1949 Ford convertible, yellow
1948 Ford 2 door, grey
1946 Ford 2 door, light grey
1941 Chevrolet, blue, Whitewall tires
Two 1941 Fords 2 door, black
1940 Dodge 4 door, grey
1940 Pontiac 8, 2 door, black
1937 Chevrolet 4 door, black
1935 Ford 2 door, black
1935 Chevrolet 2 door, blue
1938 Ford Club Coupe, black

TRUCKS

1950 Ford Pick-up, ½ ton, green
1946 Chevrolet Pick-up, ½ ton, black
1940 Chevrolet Pick-up ½ ton, red

TERMS TO MEET YOUR BUDGET
12 . . . 15 . . . 18 MONTHS

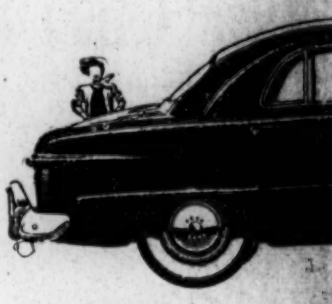
WE WILL NOT BE UNDERSOLD!

DUNN'S AUTO SALES

Phone 276 "We Sell to Satisfy" Maxton, N. C.

If You Buy From Dunn . . . You Know It Will Run!

The elementary department took charge of the assembly period on Feb. 28. An interesting "Health Program" was carried out by the students.



Hea

Feel

"TEST
THE '50 FORD AT YO
It will open

Famed Fashio

hung with a simulated soft blue sky, studded with stars, and the dancers in the opening figure emerged from behind a huge blue and silver butterfly—just oppo-

Chaperons were Dr. and Mrs. Marshall Scott Woodson, Mrs. Hinton McLeod, Miss Ethel Bateman, Mr. and Mrs. Leslie Bullock, and William G. Coxhead.

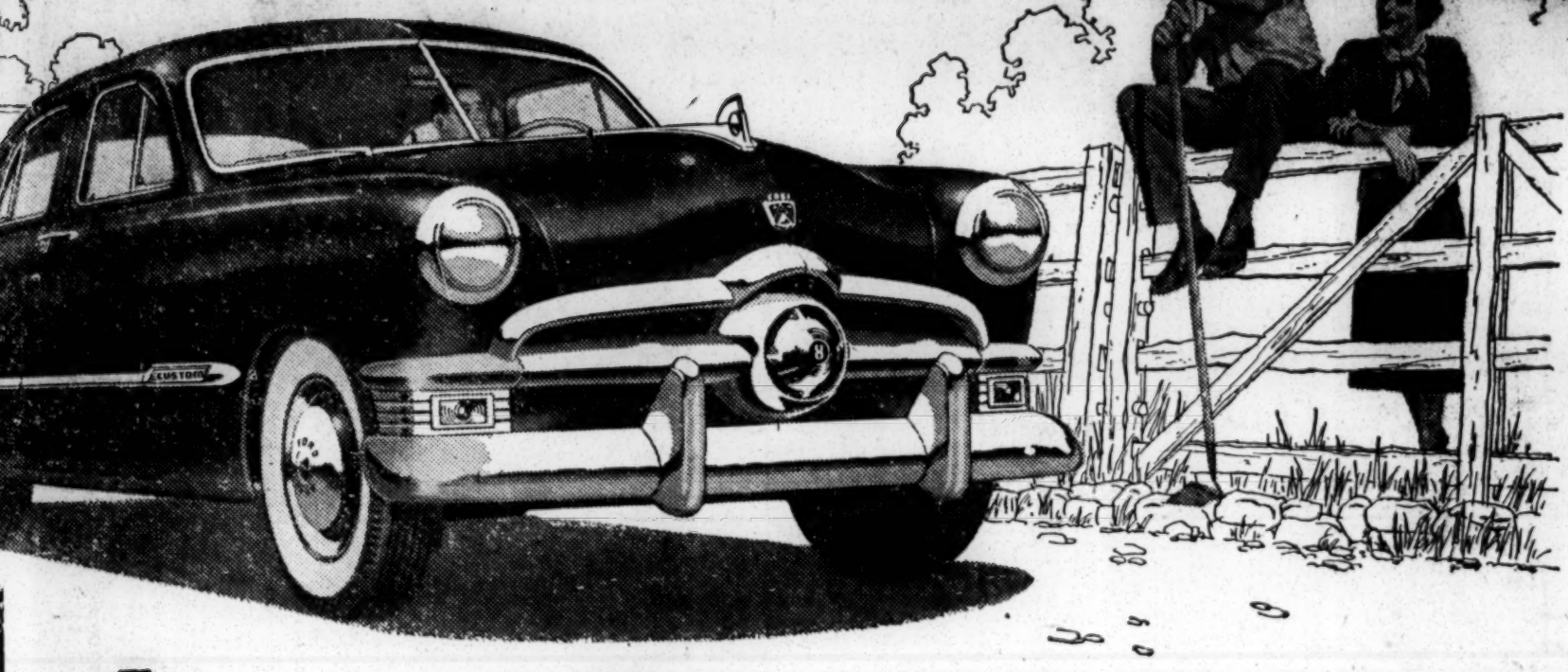
Carolina Telephone & Telegraph Co.
MAXTON RED SPRINGS

See the quality

Before you look at that amazingly low price tag, look at Ford's "Fashion Car" styling. It's more beautiful than ever. Run your finger over the baked-on enamel. It's "built to live outdoors." Feel the long-lived upholstery. Look where you will—you'll see Ford's quality.

r the quality

Ride herd on Ford's 100-horsepower V-8 engine. Sure, Ford's the liveliest power in its field, yet it never raises its voice. New super-fitted pistons, new "hushed" timing gear, new camshaft for quiet valve action and Ford's new silent-spin fan result in power that whispers while it works.



the quality

Feel Ford's easy "Finger-Tip" Steering . . . feel the 35% easier action of King-Size Brakes . . . get the solid "feel" of Ford's 13-way stronger "Lifeguard" Body now "sound conditioned" for silence. Feature after feature will show you why Ford's the one *fine* car in the low-price field.

'50 FORD

T DRIVE"
OUR FORD DEALER'S
your eyes!

PEMBROKE MOTOR CO.

PEMBROKE, N. C.

on Academy Selects Ford as "Fashion Car" *Again This Year!*

THE AMERICAN LEGION
NATIONAL REHABILITATION COMMISSION
734 FIFTEENTH STREET, N. W.
WASHINGTON 5, D. C.

April 7, 1950

RECEIVED
APR 10 1950
Southern Regional Council

RECEIVED
APR 10 1950
Southern Regional Council

Mr. George S. Mitchell
Executive Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear Mr. Mitchell:

Thank you for sending me the clipping from the New York Times, of March 22, 1950.

To publish this in one of our publications would indicate approval of The American Legion of this project.

This would have to clear our National Executive Committee Meeting in Indianapolis, May 3-5, 1950, for such approval.

It is suggested that you take this through the Department of Georgia, The American Legion. If it is something The American Legion should take cognizance of, endorsement by the Georgia Department would be necessary for consideration by the NEC.

It was nice to hear from you again. I hope our paths will cross some day in the near future.

Very truly yours,

C. H. Munson

C. H. MUNSON, Chief of
Vocational Training and Education

CM:sp

Misc. A

April 11, 1950

America Press
70 East 45th Street
New York 17, New York

Gentlemen:

Please send us one copy of the March 4, 1950, issue of America, which contains the article by John Sullivan on the New York FEPC; it was listed in the March issue of the Report of the American Council on Race Relations.

We enclose fifteen cents.

Sincerely,

George S. Mitchell
Executive Director

GSM:er

Dict. by GSM;
signed in his absence

A

May 8, 1950

Mr. Robert Arrington
Windy Hill
Ramer, Alabama

Dear Mr. Arrington:

Ed Foster has told me that you are a good egg, and he has praised the SRC to you.

Here is a good story from a recent issue of the Herald-Tribune about the Council.

I am to be in your part of the world this coming week end (for a commencement address at Tuskegee) and I will do my best to find you.

Sincerely,

George S. Mitchell
Executive Director

GSM:er

Encl.

Bob Arrington

Ramer

near Mgmery

Windy Hill

Phone

yng farmer 30 +

2 d 20 i E-FEPC

Emry Gard in law

Ed Turner j g. l SRC

i i 7

Mis. - A

May 8, 1950

Miss Mary Armstrong
250 Norfolk Avenue
Lynchburg, Virginia

Dear Mary:

Don't we look pretty in print?

Sincerely,

George S. Mitchell

GSM:er

Encl.

Mis A

May 22, 1950

Atlanta & West Point Railroad Company
4 Hunter Street, S. E.
Atlanta, Georgia

Gentlemen:

I had a visit a few mornings ago from a Negro passenger on one of your runs who thought that the Railroad had been less than reasonably considerate of the large group of passengers in the single coach assigned to Negroes.

I believe she boarded the Silver Comet at Athens, purchasing a round trip to Chehaw, Alabama, and return, Saturday, May 13. Reserved seats were assigned, and the Negro passengers hoped for tolerable comfort for the entire trip. This was duly provided in the Seaboard end of the journey from Athens to Atlanta. The single coach continued in the train westward from Atlanta. A very large number of Negro passengers entered the coach at Atlanta, mainly bound for Chehaw, but others for Alabama way stations. Within that coach from Atlanta westward to Chehaw, many passengers had to stand, while others tried to sit three to a seat. My visitor had occasion to use the diner and in the trip to the diner observed a very large amount of empty space in the other (and presumably white) coaches. She supposed that greater consideration could have at the least opened additional space in the other coaches for the Negro passengers.

I am of course aware of the many complications: the strike, and the probable failure of many of the Negro passengers going to the Commencement exercises at Tuskegee Institute to book space in advance and give the Company advance knowledge of their need of accommodations.

I am sure the Company desires to be informed of instances of this kind, and I am equally sure that you wish to make travel as agreeable and comfortable as you can.

Sincerely,

George S. Mitchell
Executive Director

GSM:er

1-A-Misc-
Agatha

XAVIER UNIVERSITY
WASHINGTON AND PINE STREETS
NEW ORLEANS 18, LA.

RECEIVED
JUN 6 1950
Southern Regional Council

OFFICE OF THE PRESIDENT

June 4, 1950

Mr. George Mitchell
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear Mr. Mitchell:

It was indeed thoughtful of you to send me a copy of your article African Students in This Country. I read it with great interest. It is a splendid article.

With very kindest regards and best wishes, I am

Very truly yours,

Mother M. Agatha

Mother M. Agatha
President

SMA:sma

REV. EDWARD G. MACKAY, D.D.
CHAIRMAN, ADVISORY COMMITTEE

REV. FORREST CLEBURNE WEIR, PH.D.
EXECUTIVE SECRETARY

REV. JOHN M. ALEXANDER, D.D.
CHAIRMAN, RADIO DEPARTMENT

Southeastern Inter-Council Office

Representing

The Federal Council of Churches of Christ in America
The International Council of Religious Education
The Home Missions Council of North America
The United Council of Church Women
The United Stewardship Council

63 AUBURN AVENUE, N. E., ATLANTA 3, GEORGIA

RECEIVED
JUN 7 1950
Southern Regional Council

June 6, 1950

Dr. George S. Mitchell
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Dr. Mitchell:

Responding to your request of June 2 for a list of centers of missionary interest in this country, I think the best I can do is give you the executives in the Home Missions Department of the denominations who are members of the Home Missions Council of North America. They are as follows:

National Baptist Convention--Rev. T. Theo. Lovelace, Sec'y of Home Missions Board, 4834 Vincennes Ave., Chicago 15, Ill.
Northern Baptist Convention--Rev. G. Pitt Beers, D. D., Executive Sec'y of The American Baptist Home Mission Society, 212 Fifth Ave., New York 10, N. Y.
Woman's American Baptist Home Mission Society--Miss Isabelle M. Gates, Sec'y, Christian Friendliness, 152 Madison Ave., New York 16, N. Y.
Church of the Brethren--Mr. Charles E. Zunkel, Sec'y, Ministry and Home Mission Commission, 22 S. State St., Elgin, Ill.
Church of God--Rev. E. F. Adcock, Executive Sec'y, Board of Church Extension and Home Missions, Anderson, Indiana
✓ Congregational Christian Churches--Rev. Truman B. Douglass, Exec. Vice-Pres., 297 Fourth Ave., New York 10, N. Y.
✓ Disciples of Christ--Mr. Willard M. Wickizer, Exec. Sec'y, Division of Home Missions, Missions Building, 222 S. Downey Ave., Indianapolis 7, Ind.
✓ Protestant Episcopal Church--Rev. George A. Wieland, S. T. D., Division of Domestic Missions; Rev. Almon R. Pepper, D. D., Director of Department of Christian Social Relations; Mrs. Arthur Mason Sherman, Exec. Sec'y of Woman's Auxiliary; (same address for all) 281 Fourth Ave., New York 10, N. Y.
Evangelical and Reformed Church--Rev. Purd E. Deitz, D. D., Pres., Board of National Missions, 475 E. Lockwood Ave., Webster Groves 19, Mo.
Evangelical United Brethren Church-- Dr. Carl Heinmiller, Exec. Sec'y, Dept. of World Missions, 1409 U. B. Bldg., Dayton 2, Ohio; Dr. U. P. Hovermale, Exec. Sec'y, Dept. of Church Extension, 1426 U. B. Bldg., Dayton 2, Ohio
✓ Friends--Merle L. Davis, Administrative Sec'y, 101 S. 8th St., Richmond, Ind.
Augustana Lutheran Church--Rev. S. E. Engstrom, D. D., Exec. Director, 2445 Park Ave., Minneapolis 4, Minn.

Board of American Missions)
United Lutheran Church in America--Rev. R. H. Gerberding, D. D., Exec. Sec'y,/)
231 Madison Ave., New York 16, N. Y.
African Methodist Episcopal Church--Dr. L. L. Berry, Sec'y of Missions,
112 West 120th St., New York 27, N. Y. Home Missions Society)
African Methodist Episcopal Zion Church--Dr. R. F. Fisher, Gen. Sec'y,/1421)
U St., N. W., Washington, D. C.; Mrs. Abbie Clement Jackson, Exec. Sec'y,
Woman's Home and Foreign Missionary Society, 2303 West Chestnut St.,
Louisville 11, Ky.
Methodist Church--Dr. Earl R. Brown, Gen. Exec. Sec'y, Division of Home
Missions and Church Extension; Miss Muriel Day, Exec. Sec'y, Bureau of
Educational Institutions; (same address for both) 150 Fifth Ave., New York 11
American Moravian Church--William H. Kortz, Sec'y, Board of Church Extension,
Nazareth, Pa.
Presbyterian Church in the U. S.--Dr. Vernon S. Broyles, Jr., Board of Church
Extension, 605 Henry Grady Bldg., Atlanta 3, Ga. Bd. of Missions)
Presbyterian Church in the U. S. A.--Rev. Hermann N. Morse, D. D., Admin. Sec'y,/)
156 Fifth Ave., New York 10, N. Y.
United Presbyterian Church of North America--Rev. A. K. Stewart, D. D., Missions
Sec'y, 702 Publication Bldg., Pittsburgh 22, Pa.
Christian Reformed Church--Dr. John C. DeKorne, Sec'y, Board of Missions,
543 Eastern Ave., S. E., Grand Rapids 6, Mich.
Reformed Church in America--Rev. Richard J. Vanden Berg, D. D. Exec. Sec'y,
Board of Domestic Missions, 156 Fifth Ave., New York 10, N. Y.; Miss
Marion Hull, Sec'y Women's Mission Work (same address)
United Church of Canada--Rev. George Dorey , D. D., Sec'y, Board of Home
Missions, 299 Queen St. West, Toronto 2B, Ont. Canada; Mrs. C. Maxwell
Loveys, Exec. Sec'y, Woman's Missionary Society, 412 Wesley Bldgs.,
Toronto 2B, Ont., Canada

In addition to these I would suggest also that you send the material you have in mind to Miss Marion Van Horne, Chairman of the Committee for Youth and Student Work in the Home Missions Council of North America, 156 Fifth Avenue, New York 10.

If I can do anything else to further this project, please let me know.

Cordially yours,

Forrest

Forrest Cleburne Weir

FCW:ek

June 12, 1950

Rev. Truman B. Douglass
Executive Secretary
Home Missions Department
Congregational Christian Churches
297 Fourth Avenue
New York 10, New York

Dear Mr. Douglass:

I do hope that by reason of your interest in home missions work you will find time to read through the little account here given of African students in Southern Colleges.

It would be quite a useful thing if some of your local people concerned with home or foreign missions would get in touch with the Colleges where the African students are, and try to work out some plan that would bring one or two or three of them into some contact with the local churches. What I have in mind is some occasion when a team from among the African students might visit an appropriate mission study or other group and talk with them about relationships between America and modern African movements.

Sincerely,

George S. Mitchell
Executive Director

GSM:er

The same to:

Mr. Willard M. Wickizer - Disciples of Christ
Rev. George A. Wieland, S.T.D. - Protestant Episcopal Church
Merle L. Davis - Friends
Rev. R. H. Gerberding - United Lutheran Church in America
Dr. L. L. Berry - African M.E. Church
Dr. R. F. Fisher - A.M.E. Zion Church
Dr. Earl R. Brown - Methodist Church
Miss Muriel Day - Methodist Church
Dr. Vernon S. Broyles Jr. - Presbyterian Ch. in the U. S.
Rev. Hermann N. Morse -vPresbyterian Ch. in the U. S. A.
Miss Marion Van Horne - Home Missions Council of North America

1-A-Miscel
Amis, W.D.

RECEIVED
JUN 14 1950
Southern Regional Council

409 Dorm B
Chapel Hill, N. C.
12 June 1950

Southern Regional Council, Inc.
63 Auburn Avenue, N. E.
Atlanta 3, Ga.

Dear Sirs:

Enclosed is $5.00 cash. NH Three dollars are for a year's membership in the SRC effective at this time.

Please apply the two dollars as far as it will go on the following publications (when they are still available):

NEW SOUTH - May 1949 thru June 1950
February and March 1949
September 1948

shipped NH 6/14/50

THE HOME-TOWN SELF-SURVEY MANUAL — noted in Manual Suspense File

'BY THE PEOPLE...' (June 1947)

WANTED: AN EDUCATED SOUTH

Sincerely,

W. D. Amis

William D. Amis

Note G.S.M. Hurrah!

P. S.: I was very much pleased by the excellent statements by Dr. Mitchell appearing in the papers regarding the recent Supreme Court decisions on segregation.

1- A- Amis, W.D.

June 17, 1948

Mr. William D. Amis
Swarthmore College
Swarthmore, Pennsylvania

Dear Mr. Amis:

We very much appreciate your paying two solid dollars to become a member of the Council.

Here is the missing price list, which I am sorry got left out of my other letter.

Our friends stick by us, and we hope that, through a long career, you will do the same.

Sincerely,

George S. Mitchell
Executive Director

Enclosure Price list

Route 2
Kinards, So. Car.
19 May 1948

RECEIVED
MAY 27 1948
Southern Regional Council

Mr. George S. Mitchell
SouthernRegional Council
Atlanta, Ga.

Dear Mr. Mitchell:

Thanks very much for the literature on the Council. I had heard of New South on several occasions but had not seen copies before. It's quite an interesting publication.

I was quite interested, too, to see that Mrs. Spearman is Executive Secretary of the SouthCarolina Division. I know Mrs. Spearman quite well, as she is a member of the same church as I in Newberry, So.Car. She is, I think, about the only liberal I know in South Carolina. The few other Southern liberals that I know I have met outside the South.

I am enclosing two dollars U.S. for membership in the Council. I believe you neglected to include the price list of your pamphlets, so you might enclose that with the first issue of New South that you send me.

Though I have not yet met your nephew, Sidney Mitchell, I certainly do intend to meet him.

Sincerely,

Bill Amis

William D. Amis

GH/RL

Rec'd June 24 56

June 23, 1950

Dear Friend:

You should pay close attention to the enclosed minutes which outline the first steps organizing the Atlanta Labor Education Association. Important things remain to be done before services can be offered to the organized labor groups in this area.

The group that met on June 17 discussed some of the possible methods of raising funds for the minimum program. Several reports were made of potential sources. However, it seems that some of this money would not be available immediately. Our practical goal, which all of us that are interested must face squarely at this time, is to raise the first $500 by the 15th of July.

It was suggested that each of the interested persons who have been discussing the total project make a financial expression of that interest. Ten dollars was the suggested amount - we stand ready to accept more. It should be clearly understood that this is not a formal requirement, and that the thing that we need most is sincere interest and the sort of participation that such interest would dictate.

Substantial commitments of cooperation have come from some twenty persons. There is a definite interest in this project on the part of a good portion of the labor movement. The staff of Georgia Workers Education Service has donated over $500 of equipment to ALEA.

The interest shown thus far in ALEA has been sufficient to stir a feeling of optimism, but some of us should feel that such a project will develop easily. The executive secretary can assure you that your advice, determination, and support will be needed now and throughout the year. It is felt that those who have signified interest have known that it would mean interest over a period of time and not just for the initial stages.

You will notice that the executive secretary is temporarily acting as treasurer. He does not have the authority to disburse funds. He does have the authority to receive them, however. It should be understood that the responsibility of money handling, bookkeeping, and fund-raising will be turned over to elected officers. The executive secretary's job will be primarily concerned with program promotion and coordination.

Art Kidder with the ILGWU Training Institute in New York has been giving increasingly of himself in the attempt to get union support from that end of the line. He has already done more than could be asked, and is ahead of those of us in Atlanta by a good bit. The importance of local support in terms of a successful program and further outside support cannot be overemphasized.

You are asked to do what you can personally and in contact with others for the furtherance of ALEA. Make checks payable to Emory F. Via, treasurer, ALEA.

Also, you are requested to stand ready to attend the next meeting of ALEA, which will come during the first two weeks of July. You will be notified. We must finish the formal organization of ALEA at that time.

Sincerely and fraternally,

Emory F. Via

Emory F. Via, executive secretary
1387 Oakdale Road
Atlanta, Georgia

Greatly appreciate your cooperation. Any suggestions as to office or storage space?

Emory

REPORT OF COMMITTEE ON A CONTINUING LABOR EDUCATION PROJECT IN ATLANTA

Present at Meeting of June 17: Ralph Purcell, George Mitchell, Art Levin, Les Persells, Carmen Lucia, Olive Haskins, Ruth Warren, Emory Via.

Meeting was called to order at 2 p.m. on June 17, with Ralph Purcell acting as chairman. Report was received from the smaller committee which met on June 6. It recommended two overall plans; one to be adopted as the final plan of procedure. The first plan, known as the minimum program, would consist of a volunteer staff, a minimum budget of $500, minimum office space, and a formal organization with officers, a board, and a finance committee empowered to raise funds. The second plan presented called for a budget of $7,000, one full-time staff person, a part-time office person, suitable office space, and a formal organization with officers, board, and finance committee.

The group discussed again some of the possibilities of workers education in the area and reviewed the resources and commitments presently at our disposal. This review included the local scene and the work done by Art Elder in New York. Elder has reported encouraging responses from several sources in the New York area.

A motion was made and carried that the minimum program be accepted.

It was agreed that the new organization should have $500 in cash or rental space before proceeding to offer programs.

The new project will be known as the Atlanta Labor Education Association.

A motion was made and passed that those present and those invited who have expressed such interest shall assume the organization of the Atlanta Labor Education Association.

A motion was made and carried to elect Emory F. Via as executive secretary of ALEA, on a voluntary basis.

A motion was made and carried instructing Emory Via to present at the next meeting a list of other persons who shall constitute further membership.

A motion was made and carried to combine temporarily the offices of executive secretary and treasurer.

A motion was made and carried that the treasurer shall have no authority to disburse funds except to a duly elected successor.

The meeting was adjourned at 4 p.m.

Submitted by

Emory F. Via

Clearcopy Original Skin
MADE IN U.S.A.

THE NATIONAL COUNCIL, 281 Fourth Avenue, New York 10, N.Y.

June 23, 1950

Dear Mr. Mitchell

Your letter of June 12th to Dr. Wieland, enclosing copy of NEW SOUTH for March 1950 has been received in Dr. Wieland's absence from the office. We expect him back around July first and he will see both your letter and the paper at that time.

Sincerely yours,

Mildred Ashland
Secretary

File

Board of National Missions
of the Presbyterian Church in the
United States of America
156 Fifth Avenue, New York 10, N. Y.

June 27, 1950

Mr. George S. Mitchell, Executive Director
Southern Regional Council, Inc.
63 Auburn Avenue, N, 1
Atlanta 3, Georgia

Dear Mr. Mitchell:

Dr. H. N. Morse is sharing with this department your letter of June 21st in which you express a hope that African students now in southern colleges might be brought into contact with our local churches.

I am writing to tell you that Dr. Lange will be back at his desk the latter part of next week. This letter will be on his desk and will be brought to his attention at that time.

Cordially yours,

Marie Meiborg
Secretary to
Laurence W. Lange
Dept. of Missionary Personnel

mm

RECEIVED
JUN 29 1950
Regional Counc

1-A Misc. African Students

BOARD of CHURCH EXTENSION

PRESBYTERIAN CHURCH IN THE UNITED STATES

VERNON S. BROYLES, JR., *Executive Secretary*

DIVISION of NEGRO WORK

HOME MISSIONS
CHRISTIAN RELATIONS
NEGRO WORK
EVANGELISM
RADIO

ALEX. R. BATCHELOR,
Secretary

36 HUNTER STREET, S. W.
ATLANTA 3, GEORGIA

July 5, 1950

Mr. George S. Mitchell
Room 432
63 Auburn Ave. N. E.
Atlanta, Ga.

Dear Mr. Mitchell:

Your letter to Dr. Broyles of June 21 has been referred to my Division. We appreciate your calling our attention to this article in "The New South" and to this list of colleges which have in their student body, African students.

I am passing this information on to our churches in hopes that they can use some of these students.

Thanking you for your thought in sending us this information, I am,

Sincerely yours,

Alex. R. Batchelor

Alex. R. Batchelor,
Secretary

ARB:at

RECEIVED
JUL 6 1950

CHRIST the ONLY ANSWER!

Board of National Missions
of the Presbyterian Church in the
United States of America
156 Fifth Avenue, New York 10, N. Y.

July 6, 1950

Mr. George S. Mitchell
Executive Director
Southern Regional Council, Inc.
63 Auburn Avenue N, 1
Atlanta 3, Georgia

Dear Mr. Mitchell:

Dr. Morse has asked me to "reply and take appropriate action" on your June 21st letter to him. You suggest an interesting challenge.

Do I understand that you would have teams of African students who would be sent around the United States, qualified to appear before missionary study groups? Miss Elsie Penfield, in charge of our Department of Women's Organizations, does a great deal of itinerating missionary speakers among missionary societies of self-supporting churches. I am referring your suggestion to her and if you have any further ideas, I would suggest that you write directly to Miss Penfield at this address.

Cordially yours,

Laurence W. Lange

Laurence W. Lange
Dept. of Missionary Personne;

LWL:mm
CC Miss Penfield

BOARD OF MISSIONS AND CHURCH EXTENSION
OF THE METHODIST CHURCH

150 FIFTH AVENUE NEW YORK 11, N. Y.

DIVISION OF HOME MISSIONS AND
CHURCH EXTENSION

RECEIVED
JUN 26 1950
Southern Regional Council

June 23, 1950

Dr. George S. Mitchell
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear Dr. Mitchell:

In Dr. Brown's absence from the office I am referring your letter of June 21st to Dr. Edgar A. Love, Superintendent of our Department of Negro Work. Dr. Love would be the one assigned to contact the African students in colleges.

Yours sincerely,

Margaret McShaw

mms

Secretary to Earl R. Brown,
General Executive Secretary

H. B. McCORMICK, President MISS JESSIE M. TROUT, Vice-President MISS MAYBLE M. EPP, Secretary FRANCIS W. PAYNE, Treasurer

Special Folder

THE UNITED CHRISTIAN MISSIONARY SOCIETY

A Board of Missions and Education

DISCIPLES OF CHRIST

MISSIONS BUILDING, 222 S. DOWNEY AVENUE, INDIANAPOLIS 7, INDIANA
DIVISION OF HOME MISSIONS

Telephone IRvington 1166

DEPARTMENT OF CHURCH DEVELOPMENT AND EVANGELISM
Willard M. Wickizer, Executive Secretary
National Directors
Edwin L. Becker, Town and Country Church
Charles L. Brooks, Church Development and Ministerial Services
Howard R. Dungan, Church Maintenance
Lyle V. Newman, Urban Work
....., Evangelism
Departmental Associate
Mrs. W. M. Liverett
Field Supervisors
Mrs. Chloe E. Kelly, Home Evangelization

June 19, 1950

RECEIVED
JUN 21 1950
Southern Regional Council

Mr. George S. Mitchell
Southern Regional Council
Room 432
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear Mr. Mitchell:

I am just in receipt of your letter of June 12 with enclosed copy of "New South" and I have read with interest the article dealing with the matter of African students who are enrolled in colleges throughout the South.

I am not just sure what we may be able to do in this connection. I note that there are no such students enrolled in either of our two Negro schools nor do we probably have any members of our communion among these African students since all of our foreign mission work in Africa is in the Belgian Congo and the Belgian Colonial Government will not permit us to bring any young people to America to study. We have sought at various times to get some of our most promising African young men to America for purposes of study but the Belgian Government seems to be adamant in this regard.

We will bear this whole matter of African students in America in mind and do what we can to show them friendship.

Sincerely yours,

Willard M. Wickizer
EXECUTIVE SECRETARY

WMW:e-6B

File Afr. Students

BOARD of CHURCH EXTENSION

PRESBYTERIAN CHURCH IN THE UNITED STATES

HOME MISSIONS
CHRISTIAN RELATIONS
NEGRO WORK
EVANGELISM
RADIO

VERNON S. BROYLES, JR.,
Executive Secretary

808 HENRY GRADY BUILDING
ATLANTA 3, GEORGIA

June 22, 1950

Mr. George S. Mitchell
Room 432
63 Auburn Avenue, N.E.
Atlanta, Georgia

Dear Mr. Mitchell:

Thank you for your letter of June 21st. I am referring your letter to our Division on Negro Work and you will hear from us later in regard to your request.

Thank you for bringing this to our attention and with every good wish, I am

Cordially,

Vernon S. Broyles Jr.

RECEIVED
JUN 23
Southern Regional

CHRIST the ONLY ANSWER!

THE NATIONAL COUNCIL

Protestant Episcopal Church

CHURCH MISSIONS HOUSE, 281 FOURTH AVENUE, NEW YORK 10, N. Y.

RECEIVED
JUN 23 1950
Southern Regional Council

June 21, 1950

Mr. George S. Mitchell
Southern Regional Council, Inc.
63 Auburn Avenue, N.E. Room 432
Atlanta 3, Georgia

Dear Mr. Mitchell:

Dr. Pepper has asked me to write to you in answer to your communication regarding African students in Southern Colleges. We have referred the matter to the Rev. Tollie Caution who is Executive of our Committee for Negro Work and have asked him to work with the Rev. Roger Blanchard, who is Executive of our Division on College Work.

It is customary for the College Work Division to attempt to relate students to local parishes. Thank you for your suggestion.

Sincerely,
DEPARTMENT OF CHRISTIAN SOCIAL RELATIONS

Muriel S. Webb

(Mrs.) Muriel S. Webb
Program Secretary

MSW:ds

A

State of New Jersey

STATE TEACHERS COLLEGE
AT JERSEY CITY

FORREST A. IRWIN, PRESIDENT

JERSEY CITY 5, N. J.

August 7, 1950

Mr. George S. Mitchell
Executive Director
Southern Regional Council
63 Auburn Ave.,N.E.
Atlanta 3, Ga.

Dear Mr. Mitchell:

Thank you for your most cordial letter of August 3. As frequently happens with plans for long trips, there have been alterations. If, therefore, we are able to get to Atlanta, it will probably be during the week of August 20-26.

Your friendly attitude has heightened my anticipation of a visit to your organization.

Sincerely,

Hilbert E. Apgar.

RECEIVED
AUG 9 1950
Southern Regional Council

Suspense

August 3, 1950

Professor Wilbur E. Apgar
Social Studies Department
State Teachers College at Jersey City
Jersey City, New Jersey

Dear Mr. Apgar:

My secretary has already acknowledged your kind letter of July 24.

So far as I know, I will be here in Atlanta September 1 and 2, and from the ninth on to the eighteenth or so. I am to be at Black Mountain, North Carolina, at a Textile Workers Union of America training school at Black Mountain College September 3 to 8. If you drive down during that period, you might possible care to come through the mountains and stop for a while at Black Mountain. If you come straight on to Atlanta and I am not here, others in our Council office will be happy to talk with you.

In any case, do come to see us.

Sincerely,

George S. Mitchell
Executive Director

GSM:er

State of New Jersey
STATE TEACHERS COLLEGE
AT JERSEY CITY

FORREST A. IRWIN, PRESIDENT

JERSEY CITY 5, N. J.

July 24, 1950

Mr. George S. Mitchell
Southern Regional Council
63 Auburn Ave. N. E.
Atlanta 3, Georgia

Dear Sir:

During the past year we have become interested, here at our college, in the work you are doing. From your literature and the New South, we have attempted to learn of your enlightened and democratic program.

The teachers we train here go out into many New Jersey communities where there is considerable racial discrimination. We, therefore, have a professional interest in your success.

It is my hope to be in Atlanta some time during the first week in September. Might it be possible to visit your offices or talk with some of your organization in order to personalize our contact with your fine work?

I am sorry that I cannot set a definite date, but circumstances do not warrant being more specific at the present time.

Sincerely yours,
Kiebur E. Apgar
Asst. Prof. Social Studies Dept.

Replied 7/25 by expl saying GSM would write on return — B.R.

RECEIVED
JUL 25 1950
Southern Regional Council

1-A-Miscl-Ala

ADL

ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

SOUTHERN OFFICE - 11 PRYOR ST. S., W. - ATLANTA 3, GA.

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Houston, Tex.

JOHN HORWITZ
Oklahoma City, Okla.

August 16, 1950

file as

Dear Friend:

The American system of education has been a bulwark of our democratic heritage almost since its inception a century and a half ago. Through our schools, our democratic principles and concepts have been handed down from generation to generation, gathering strength with the years.

But every once in a while, there comes upon the scene persons or organizations which seek to pervert our system of schools and education to their own ends. You may recall the case of Jefferson Military College in Mississippi some months ago. The trustees of this small, struggling school earned the acclamation of the entire country by turning down a grant of fifty million dollars from wealthy George W. Armstrong, who offered it in return for teaching his nazi ideology of pure Aryian superiority and other false and discredited doctrines.

Unfortunately another such situation has arisen, this time in Alabama. The late Harvey G. Woodward, a wealthy former resident of Birmingham, provided in his will the sum of three million dollars for the establishment of a preparatory school for boys in the environs of Birmingham. The will creates the "Alabama Educational Foundation," and specifically names as Directors of the Board of Governors:

Ray L. Lange, Chairman
J. Parker Evans
William McM. Rogers
Theodore Swann
Keehn W. Berry
Prescott V. Kelly
Douglass W. Stockham

Directors of the Foundation are:

N. H. Batchelder, Jr.
Richard C. Crosby, of Miami University, Oxford, Ohio
Ian Stuart, of Mercersburg Academy, Mercersberg, Pa.

Except where otherwise indicated, all of these individuals reside in Birmingham. The school is to be located in Indian Springs, 15 miles from Birmingham, and it is expected that the building will begin within the next few months.

Although the will states that the purpose of the school is to build character and citizenship, specific provisions bar persons of the Jewish faith from the student body and faculty. Further, the will prohibits employment of Negroes as house or culinary servants or even in the building of the school.

The above-mentioned individuals named in the will as directors are regarded as leading citizens and of impeccable reputation. While they themselves may not share Mr. Woodward's prejudices, they have indicated that they are accepting the responsibility of carrying out the mandate of the will in establishing and administering the school.

It is our belief that these men, leaders in their professions and businesses, should not associate themselves with a project of this nature which sets such an unfortunate pattern totally alien to our democratic system of education.

Because of your deep interest and concern in strengthening our way of life, I know you will want to communicate with the above-mentioned trustees, pointing out the disservice the Woodward school will be performing to the State of Alabama and to the Nation, and calling upon them to sever their connections with this school and the discredited ideology for which it stands. I would appreciate hearing from you as to your actions in this important matter.

Sincerely yours,

Arthur J. Levin

Arthur J. Levin, Director
Atlanta Regional Office

AJL/ea

BOOK OF WILLS
Volume 13; page 475

JEFFERSON COUNTY PROBATE COURT
ALABAMA

It is directed that members of the Ethiopian or Negroid races shall not be employed as house or culinary servants or in the buildings of the school, or on the grounds, except as common laborers and then only if necessary. This due to the probability of pupils unconsciously acquiring the Negro's type of actions, language, lack of real observation, and way of thinking.

* * * * *

BOOK OF WILLS
Volume 13; page 477

JEFFERSON COUNTY PROBATE COURT
ALABAMA

The Board of Governors shall provide for determining the order in which persons applying for admission shall be admitted, giving preference, however, to (1) those with English or British ancestry: (2) those best fitted; (3) those born in Alabama, in the order named.

No pupil, except those of British ancestry, shall be admitted unless his father and mother were both natural born citizens of the United States and unless such parents were of the Caucasian or white race. Each pupil shall be a natural born citizen of the United States. The Board of Governors shall determine what evidence or proof of ancestry shall be required of applicants for admission. No Jew or Hebrew, referring to his race not his religion, shall be eligible, or shall be admitted -- this is not intended as a reflection upon the people of that race or nation, but the object for which this school is founded will, in my opinion be best accomplished by designating as beneficiaries thereof the class I have hereinabove specified.

The Board of Governors, faculty, head or entrance examining board, as the Board of Governors may determine, shall have the right at all times to refuse entrance to the school or to expel from the school without giving any reason therefor.

* * * * *

A

September 15, 1950

Mr. Morris Abram
1414 East Rock Springs Court, N.E.
Atlanta, Georgia

Dear Morris:

I will be in New York all day Thursday and Friday, September 21 and 22.

I don't know where I will stay, but I will certainly be in touch with my close friends, Mr. and Mrs. Frederick Jeffries, 9 Myrtle Drive, Great Neck, Long Island. They have a phone, but I don't know the number.

I will call my office from New York Thursday morning, the 21st, and find out whether it worked out that you could come up to New York. If so, the two of us I suppose could go see your friends Friday afternoon, the 22nd.

Good luck with your case.

Sincerely,

George S. Mitchell
Executive Director

GSM:er

Chairman
HENRY J. CADBURY

Executive Secretary
LEWIS M. HOSKINS

Honorary Secretary
CLARENCE E. PICKETT

1-A Miscel

American Friends Service Committee

INCORPORATED

Twenty South Twelfth Street
Philadelphia 7, Pennsylvania
Telephone, RITTENHOUSE 6-9372

September 15, 1950

George Sinclair Mitchell
906 Lullw ater Rd.
Atlanta 6, Ga.

Dear George Mitchell:

The American Friends Service Committee is undertaking an educational program in economic relations. Our objective is to promote greater cooperation among various economic groups on the basis of sound ethics as well as sound economics. While much of our program will be community-centered, we shall need the association and help of informed, responsible people who may be primarily concerned with national or special aspects of economic problems.

As an economist, you have both economic and ethical views in which we are vitally interested. Therefore we are sending you the enclosed questionnaire, hoping that you will give it your critical attention and then return it as promptly as you can. (A self-addressed envelope is enclosed for your convenience.) Thank you.

On the basis of this questionnaire we hope to discover a core of ethics to which representative economists subscribe. Later we want to encourage a number of economists to exert a greater influence in our society through religious institutions and religious programs. We earnestly hope that our program will serve the ends for which you are working in your profession.

Sincerely,

Ralph W. Amerson

Ralph W. Amerson, Secretary
Economic Relations Committee

P.S. Please do not feel that your reply to the enclosed questionnaire need be limited in any way. We merely have tried to present it as a thought-provoking document. Your reply will be strictly confidential. We want your frank opinion.

RWA/tr
encl.

1-A Misc

Chairman
HENRY J. CADBURY

Executive Secretary
LEWIS M. HOSKINS

Honorary Secretary
CLARENCE E. PICKETT

American Friends Service Committee
INCORPORATED
Twenty South Twelfth Street
Philadelphia 7, Pennsylvania
Telephone, RITTENHOUSE 6-9372

October 4, 1950

RECEIVED
OCT 6 1950
RECEIVED
Southern Regional Council

George S. Mitchell
Executive Director
Southern Regional Council, Inc.
Room 432
63 Auburn Avenue N.E.
Atlanta, Georgia

Dear Friend:

The Race Relations Committee staff of the American Friends Service Committee deeply appreciates your interest in Dr. Theodore Greene.

At this time, we thought you might be interested to know that he has found a placement. This placement, as we understand it, is not in keeping with his original idea of service in a Southern community with a Negro hospital. However, because of the urgency of his own situation, it was necessary for him to accept something at once. In a year or two, he will be ready to follow through on his original concern to work with a group in the South.

Again we say thank you for your help and cooperation.

Sincerely yours,

Sara Hamill

Sara Hamill
Administrative Assistant
Race Relations Committee

SH/ss

U-Misc

October 4, 1950

Mr. Richard Anliot, Executive Secretary
Committee on Discrimination in Higher Education
American Council on Education
744 Jackson Place, N.W.
Washington 6, D. C.

Dear Mr. Anliots

We are sorry for the delay in answering this questionnaire, occasioned by Dr. Mitchell's absence from the office.

We have checked the questionnaire with a view toward what would be most useful here in the South. As you know, our difficulties are compounded here by the framework of segregation, but there has been an encouraging crumbling around the edges, particularly in the graduate schools of the border states. The recent Supreme Court decisions will help immeasurably to speed the inevitable process along.

Any information and publicity which can be spread in the South on the whole subject of discrimination in higher education will be of great help in furthering understanding, acceptance, and decent action. We will be most interested in the program your Committee decides to adopt and will be happy to offer our cooperation in whatever way you think may be helpful.

Sincerely yours,

(Mrs.) Jane P. Fleming
Research Assistant

Encl.

1-A-misc

RECEIVED
OCT 19 1950
Southern Regional Council

THE AFRO COLLEGE FUND

(A PROPOSED COLLEGE FOR WEST AFRICA)

438 FIRST STREET NIAGARA FALLS, N. Y.

EXECUTIVE BOARD
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Wilberforce, Ohio
WOODROW JOHNSON
Buffalo, New York
FRANK L. STANLEY
Louisville, Kentucky

OCTOBER

14th

1 9 5 0

Dear Friend:

America has always been known as the "champion of the underprivileged". Why else would we have taken such a bold step as providing almost single-handedly the police force against aggression in Korea? Why else would we have intervened to help a starving and economically undernourished people shed the cloak of destitution as we have in Greece, Italy, France, England, and Belgium as well as other nations of the world? Why else would we support the French-backed government in Indo-China against guerrillas who, if successful, will subject the country and its millions of people to communistic controls which will suppress the most infinitesimal spark of individual enterprise?

The unknown factor in each case is the susceptibility of the human mind to the ideals of democracy as opposed to the militaristic aims of the communists. The individual must be educated in the American way of life. YOU, as an individual, your organization as a unit, must do the utmost to aid the underprivileged to throw off its yoke of ignorance. YOU must aid in this effort to plant the seeds of democracy in the yet unsown fields of the fertile African mind, lest the weed of communism take root.

When you have read the enclosed folder, we believe you will agree that this is a worthy cause, deserving of the most generous support.

Yours in the cause of African education,

THE AFRO COLLEGE FUND

Jos Wm Acquah

Jos. Wm. Acquah, President

Alfred Johnson

Alfred Johnson, Secretary

a
Enc.

AFTER FIVE DAYS RETURN TO

_____

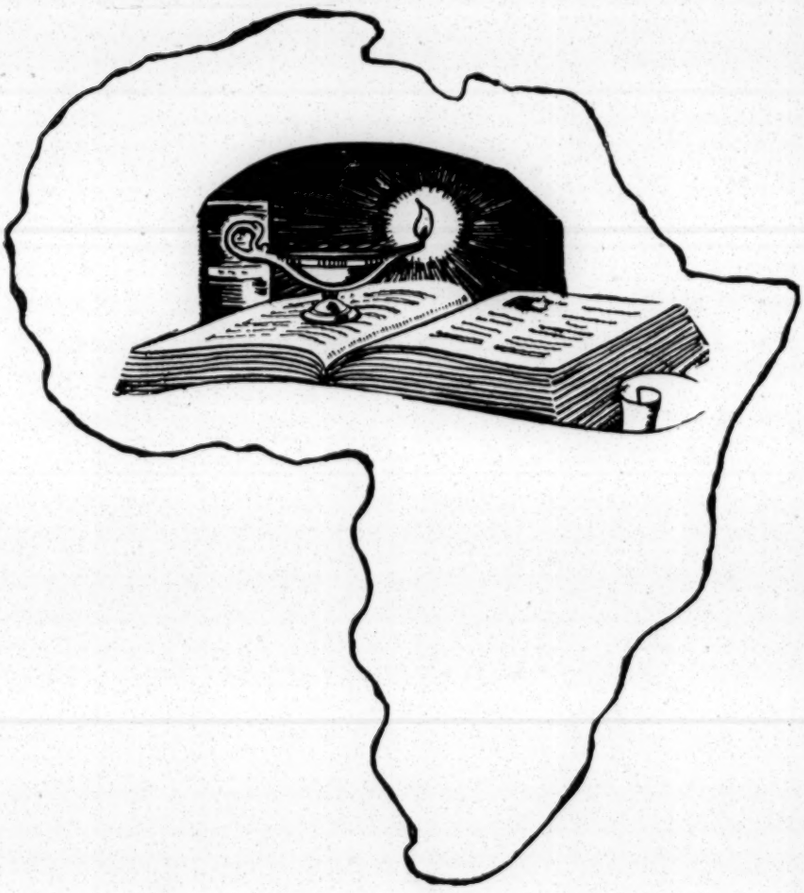
_____

THE AFRO COLLEGE FUND

Niagara Permanent Savings and Loan Association

311 Falls Street, Niagara Falls, New York

Spread the Light of Knowledge



GIVE TO IT—FREELY AND GENEROUSLY

THE AFRO COLLEGE FUND

(A proposed College for West Africa)

NIAGARA PERMANENT SAVINGS AND LOAN ASSOCIATION

311 Falls Street Niagara Falls, New York

THE AFRO COLLEGE FUND

A PROPOSED COLLEGE FOR WEST AFRICA

August 1950 *to* *March* 1951

Universal peace and the brotherhood of mankind are uppermost in the minds of all citizens of the thinking world. International understanding is the ONLY road to peace. Understanding cannot obtain in the darkness of ignorance. Illiteracy on a large scale must be eliminated. This can be done only through education. The peoples of Africa have been hindered by centuries of exploitation. If they are to become an essential segment in modern civilization, they must be in a position to avail themselves of a practical and workable education. To this end the members of this movement are dedicated to the erection of an institution of higher learning in West Africa.

If West Africa is to make palpable contribution to the world and play its part effectively, much will depend upon intelligent citizenery. Trained Africans will be wanted in all fields of economic development—public works, soil conservation, irrigation, public health, child welfare, etc. In all these areas, skilled tradesmen and men with technical knowledge will be needed if West Africa is to develop into a nation.

In order to build a first class college for the peoples of West Africa, it would be necessary that the sum of $100,000 be raised from this country. Labour is cheap, the cost of building materials is comparatively low, and in order to provide a better atmosphere conducive to learning and to adequately equip the proposed college with every modern convenience which is obtainable in this country, the sum of $100,000 will be advantageously expended. Moreover the recent devaluation of the British pound increases the buying power of the American dollar.

Africa calls to YOU, champions of the underprivileged. Help her to free the minds of her children from the shackles of ignorance.

SEND YOUR DOLLARS TODAY.

Mail your contribution today to:

AFRO COLLEGE FUND
Niagara Permanent Savings and Loan Association
311 Falls Street, Niagara Falls, New York

Send it today. Enclose it in the self-addressed envelope and drop it in the mail **TODAY!**

Individuals, organizations and churches, donating $100 or more shall have their names engraved on a plaque which shall be found in the HALL OF FAME of the proposed college.

The GOLDEN BOOK of the college shall contain the names of all persons, organizations and churches who have contributed towards the building of the college. It shall be placed in the HALL OF FAME and will be available to anyone.

YOUR DOLLAR WILL MEAN FREEDOM FOR AFRICA

WILL YOU HELP?

Executive Board

Joseph William Acquah ..... President
John D. D. A. Dickson ..... Vice-President
Alfred Johnson ..... Secretary

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Sekondi, Gold Coast, British West Africa
Nana Anaisie IV,
Paramount Chief, Sekondi, Gold Coast, B. W. A.
Dr. Charles H. Wesley

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Joseph K. Fumi ..... Wilberforce, Ohio
Woodrow Johnson ..... Buffalo, New York
Frank L. Stanley ..... Louisville, Kentucky

Replied Air Mail Postal 11/13/50 Amer

THE UNIVERSITY OF CHICAGO
COMMITTEE ON EDUCATION, TRAINING AND
RESEARCH IN RACE RELATIONS
4901 ELLIS AVENUE
CHICAGO 15 · ILLINOIS

RECEIVED
NOV 13 1950
Southern Regional Council

November 10, 1950

Mr. George S. Mitchell, Executive Director
Southern Regional Council
63 Auburn Avenue, N.E.
Atlanta, Georgia

Dear Mr. Mitchell:

I am writing to request an interview with you during the National Conference on Intergroup Relations in New York, November 15-17.

In connection with my doctoral dissertation (University of Chicago) on The Occupations of the Race Relations Worker, I am very anxious to have an opportunity to talk with you about your work.

I shall be near the Conference registration desk at the Hotel New Yorker Wednesday morning, November 17, and hope to make a definite appointment with you at that time.

Sincerely yours,

Helen E. Amerman

Helen E. Amerman
Research Assistant

HEA/bs

Abram

Copy to Jane Fleming

November 27, 1950

Mr. Morris Abram
Connally Building
Atlanta, Georgia

Dear Morris:

This was handed me recently by someone in the Connecticut State Inter-Racial Commission. My acquaintance said this was the first case ever decided in a court of law on a matter of fair employment. Perhaps he meant the first case in Connecticut, but that is not what I understood him to say. If the other statement is true, it is a rare document, and I provide you with a copy.

Sincerely,

George S. Mitchell
Executive Director

GSM:er

1-A-Mesa'l

AMERICAN COUNCIL for the COMMUNITY

119 East Nineteenth Street - New York 3, New York
OREGON 3-3688 GRAMERCY 5-3424

HAROLD S. BUTTENHEIM
Chairman of the Board
FRANCIS CHASE ROSECRANCE
Secretary
GUSTAVE SIMONS
Treasurer
MRS. EDNA HOWE KUSER
Executive Director

Dec. 19, 1950

RECEIVED
DEC 26 1950
Southern Regional Council

Mr. Harold C. Fleming
Director of Information
Southern Regional Council
63 Auburn Ave., N.E.
Atlanta 3, Ga.

Dear Mr. Fleming:

Thank you very much for your letter of December 11 concerning the number of community councils in your area and containing the excellent suggestion that we look into the Directory of Community Chests and Councils.

Best wishes for a good holiday season.

Sincerely,

Muriel Weckstein

Mrs. Muriel Weckstein
Administrative Assistant

Agatha

December 29, 1950

Mother M. Agatha
Xavier University
New Orleans, Louisiana

Dear Mother Agatha:

I have been carrying about for a dozen years an idea that it might be well now to try to do something with. It is a proposal that some young person be admirably trained in the science of map-making.

No American maps approach in quality the German or the British standards. Our atlases are poor. Even our Government map-making (I know nothing about the quality of army maps) is in my observation unimaginative and weak in displaying what the map sets out to cover. We simply do not have people who have mastered the art of contour coloring. Neither have we learned the German use of color in general to expound on a map. Simply put, map-making is a European skill not yet brought over to this country.

If America is poor in its maps, the South is poorer still. So far as I know, the best work is at Chapel Hill, and I think what is done there is high in the ranks of American map-making, but nothing more. Geography is coming more and more to the fore. You perhaps saw a recent survey in the New York Times that something less than five per cent of American college students are receiving any geographical training at all. The South is particularly influenced by its geography and will only understand itself when it comes to know its geography better. It won't be long before really good texts in Southern geography will be in demand. There is therefore a probable Southern future demand for a competent map-making skill, and there is always a living for the possessor of such a skill, because the government or the army could be expected to yield backlog employment. The whole continent of Africa is yet to be mapped.

Map-making is a skill which knows no barriers of color or nationality. The first American to master the skill would suffer no disabilities.

If he were a member of a minority group, he would be the more acclaimed. The Rosenwald Scholarships are gone, of course, but the John Hay Whitney Fund in New York carries on a program much like it. And the heart of both programs is an effort to finger out persons in the South who show promise in skills hitherto little possessed in the South or in this country. And provision for training abroad has been frequent with both funds.

Suggestion, therefore: that Xavier choose a likely person and push him or her for scholarship training abroad. I should think the person chosen should have shown talent in draughting and a liking for geography and history. He or she would probably have to spend two or three years abroad, so the domestic situation ought to be one that would make that feasible. Early twenties rather than late teens for age, I would think.

Clark University at Worcester, Massachusetts, has had a noble school of geography. I visited it a year ago and got the impression that its climax had passed, but I may be quite wrong. Perhaps whoever were picked ought to have a year in this country at geography and cartography before seeking work abroad. There may be some other institution than Clark which is quite good at it; I don't know.

If Xavier can turn up someone who would be suitable for such training, I would be glad to do whatever I can toward getting appropriate foundations or individuals to understand the importance of providing the training.

Sincerely,

George S. Mitchell
Executive Director

GSMier

CC: Paul Williams

a-Mical

Dear Mr. Mitchell:

I have presented your letter of July 31st to the President of the College, Dr. F. L. Atkins, and he wishes me to thank you for your interest and to advise you that our institution will not be open on September 13th.

Very sincerely yours,

Jack Atkins

Jack Atkins

130

RECEIVED
AUG 18

August 17, 1953

Dr. Philip Widenhouse,
287 4th Ave.
New York, N. Y.

Dear Dr. Widenhouse:

When I was in ~~Atlanta~~ N.O. I gave you certain material on a interchurch women's organization called the "Fellowship of the Concerned." I suggested that they were in a position to do effective work in connection with ballots for Negroes in out-of-the-way rural areas, and in connection with a possible Supreme Court decision affecting segregation in the public schools.

Fortunately, we are going to have a little more time on the school thing than the prospect seemed when I talked with you. That gives us a chance to do a more thorough job. I think these women can do more to prepare the way for this than any other group in the South. They require $5,000 a year and they ought to have it for a three year period. Dr. Lawless has agreed to put up $1,000 a year on this and I am still wondering if some of your group would like to put up the additional $4,000. Here's a bargain for somebody, and its the kind of pioneering thing that I know would appeal to you.

I have waited until the summer doldrums were about over to again express my conviction as to the importance of this.

With high regards,

I am sincerely,

Will W. Alexander

THE AMERICAN POLITICAL SCIENCE ASSOCIATION
1785 MASSACHUSETTS AVENUE, N. W.
WASHINGTON 6, D. C.

RALPH J. BUNCHE, *President*
United Nations
CHARLES MCKINLEY, *President Elect*
Reed College
TAYLOR COLE, *Vice President*
Duke University
J. A. C. GRANT, *Vice President*
University of California (Los Angeles)
CLAUDIUS O. JOHNSON, *Vice President*
The State College of Washington
HUGH L. ELSBREE, *Managing Editor*
The American Political Science Review
Library of Congress

JOHN GANGE, *Executive Director*
KENNETH W. HECHLER, *Associate Director*

October 27, 1953

Dear Dr. Will:

With reference to your inquiry about Clifford Case, I have talked to a number of Members of Congress and people who know him and find the general conclusion that he is an independently-minded type of man who does not have very many close personal friends. As you know, he always voted very liberally, and is second only to Jacob Javits of New York in the number of occasions when he bucked the Republican leadership.

People who know Case say that the man who is probably closest to him, both personally and politically, is Rep. Gordon Canfield, a Republican Congressman from New Jersey who represents the district including Paterson. Among the southerners who know him the best are Brooks Hays of Arkansas, Charles B. Deane of North Carolina (Rockingham, N.C.), and Carl Elliott of Jasper, Ala. None of the last three, however, could be classified as very close personal friends.

Several Congressmen told me that Case gets along very well with Walter White of the NAACP, and respects White's opinion on most matters. This information may be more useful to you than the dope about Members of Congress.

Among the Democrats who know Case, I guess the man who knows him best in Congress from the northern group is Rep. Charles R. Howell of the Princeton district of New Jersey. Charley underlined to me the notion that Case was a man who made up his mind quite independently, has been used to having people buffet him to change his views, and hence does not change his position because somebody makes a personal plea to him. However, and this may be important for your purposes, Case is not the kind who would get up on his high horse and react against an idea just because somebody tried to present him with some strong arguments. It is worth a try.

Hope this may be of some use to you.

All the best, Ken Hechler

Kenneth W. Hechler

NEW HOPE FARM
ROUTE 3
CHAPEL HILL, NORTH CAROLINA

November 3, 1953

RECEIVED
NOV 4
Southern Regional Council

Dr. George S. Mitchell,
Southern Regional Council, Inc.
63 Auburn Ave. N. E.
Atlanta 3, Ga.

Dear George:

When I was in Atlanta I agreed to try to find out something about Congressman Clifford Case of New Jersey. The results are contained in the attached letter. It may or may not be of value to you. The name of Brooks Hays appears in the letter and that would be a resource we might use.

I furthermore agreed to try to enlist the interest of President Dent of Dillard University, President Johnson of Fisk University. The night I got home Dent called me from New York on another matter and I talked with him as vigorously as I knew how about the immediate necessity for making a heroic effort to get action out of the Fords on behalf of the Southern Regional Council. With this he agreed without question. He was seeing Johnson the next morning and would try to enlist Johnson's assistance along the lines of our discussion in Atlanta. He agreed furthermore that while he was in New York he would use contacts which he had to find out the status of the project and where to put pressure. I assume that he is home by now. I am writing him this afternoon to get a report which I will pass on to you when it comes.

With warm regards,

I am sincerely,

WWA

Will W. Alexander

November ten, 1953

Mr Robert C Hatch
Executive Secretary
Alabama State Teachers Association
Alabama State College
Montgomery, Alabama

Dear Mr Hatch:

What happened about getting the Alabama State Teachers Association to send out copies of QUESTIONS AND ANSWERS and sending SRC something if it could?

Sincerely yours

George S Mitchell
Executive Director

gsm-t

g + A · personal

Alabama State Teachers Association

VICE-PRESIDENTS

Mrs. T. S. Morris
301 South Lawrence Street
Montgomery, Alabama

Miss Tessie M. Oliver
P. O. Box 324
Union Springs, Alabama

Leon Kennedy
Wenonah High School
Birmingham, Alabama

Mrs. Hattie B. Witt
1023 North 5th Street
Birmingham, Alabama

L. B. Sykes
Lanier High School
Lanett, Alabama

Menrie Smith
Cobb Avenue High School
Anniston, Alabama

J. D. Thompson, *President*
Coosa County Training School, Cottage Grove, Alabama

R. C. Hatch, *Executive Secretary*
Alabama State College, Montgomery, Alabama
Telephone 3-7998

September 14, 1953

H. C. Trenholm, *Research Secy.*
P. O. Box 271
Montgomery, Alabama

W. E. Morton, *Treasurer*
John W. Darden High School
Opelika, Alabama

EXECUTIVE COMMITTEE

C. W. Orr
A and M College
Normal, Alabama

R. C. Johnson
Parker High School
Birmingham, Alabama

Robert I. Beasley
Carver High School
Eutaw, Alabama

RECEIVED
SEP 15
Southern Regional Council

Mr. George S. Mitchell
Executive Director
Southern Regional Council, Inc.
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear Mr. Mitchell:

I acknowledge with appreciation the pamphlets sent to me under date of August 11. I also acknowledge receipt of the proposal submitted in your letter of August 13. I shall be pleased to present this proposal to our Executive Committee at its next meeting.

Yours very truly,

Robert C. Hatch

Robert C. Hatch
Executive Secretary

RCH:B

November seventeen, 1953

Dr Jordan L Larson
Superintendent of Schools
American Association of
School Administrators
257 South Fourth Street
Mount Vernon, New York

Dear Mr Larson:

Here is a pamphlet our Council has recently put out. It has been very widely requested, in good big blocks, for distribution to school, church and citizen bodies throughout the Southern states.

Our object is to promote local discussion groups which with the pamphlet will develop the issue of the schools and the courts.

I hope you will like it and will perhaps consider any way available to you of getting it more widely used.

Sincerely yours

George S Mitchell
Executive Director

gsm-t
enclosure - 1

OUR MORAL AND SPIRITUAL RESOURCES FOR BROTHERHOOD

Luncheon Meeting, Waldorf-Astoria Hotel, Carpenter Suite

Tuesday, October 27, 1953, 12:30 p.m.

AGENDA

The Honorable Lewis W. Douglas, Presiding

1. Introductions	Dr. Everett R. Clinchy
2. Statement by the Chairman	Mr. Lewis W. Douglas
3. The Problem	Mr. Lewis Galantiere Rabbi Louis Finkelstein Dr. Benson Y. Landis
4. The Resources	Agency Representatives
5. Plans and Program	Open Discussion

OUR MORAL AND SPIRITUAL RESOURCES FOR BROTHERHOOD

Luncheon Meeting, Waldorf-Astoria Hotel, Carpenter Suite

Tuesday, October 27, 1953, 12:30 p.m.

Tentative Objectives of Project as Set Forth in Letter of Invitation

The entire project seeks the following objectives: (1) to promote the common good through an inventory of our moral and spiritual resources, (2) to relate these resources to the maintenance of national unity and the deepening of the sense of brotherhood at home and abroad, (3) to learn from governmental officials the areas of greatest need and primary concern, (4) to consider the ways these resources may be used, fortified and disseminated through churches and synagogues, schools and universities, community organizations, labor and management organizations, and mass communications, and (5) to summarize and present these findings and recommendations to the American people through the President of the United States.

GUEST LIST

Planning Luncheon

"OUR MORAL AND SPIRITUAL RESOURCES FOR BROTHERHOOD"

Waldorf-Astoria Hotel, N. Y.

October 27, 1953, 12:30 p.m.

The Honorable Lewis W. Douglas, Chairman

Dr. Arno A. Bellack
Association for Supervision
and Curriculum Development
Columbia University
New York City

Mr. Arch N. Booth
Executive Vice President
Chamber of Commerce of the U.S.A.

Mr. Livingston Blair
National Director
American Junior Red Cross
17th and "D" Sts., N. W.
Washington 13, D. C.

Dr. Francis J. Brown
Staff Associate
American Council on Education
1785 Massachusetts Avenue

Dr. Sterling W. Brown
General Director
The National Conference of
Christians and Jews
381 Fourth Avenue
New York City 16

Mr. Arthur J. Connell
National Commander
The American Legion
1608 K St., N. W.
Washington 6, D. C.

Dr. Everett R. Clinchy
President
The National Conference of
Christians and Jews
381 Fourth Avenue
New York City 16

Mr. William Collins
American Federation of Labor
Suite 2209, 1440 Broadway
New York City

Mrs. Lewis W. Douglas

Rabbi Maurice N. Eisendrath
President
Union of American Hebrew Congregations
838 Fifth Avenue
New York City 21

Mr. William J. Eagan
General Counsel
Loyal Order of Moose
1172 Raymond Commerce Building
Newark, N. J.

Dr. Louis Finkelstein
President
The Jewish Theological Seminary
of America
Broadway and 122nd Street
New York City 27

Dr. Dorothy McClure Fraser
Vice President
National Council for the Social Studies
Adelphi College
Garden City, N. Y.

Mr. William J. Grede
President
National Council of Y.M.C.A.
291 Broadway
New York 7, N. Y.

Mr. Lewis Galantiere
Writer, Consultant
1 West 72nd St.
New York 23, N. Y.

Mr. Jack Hatt
National Chairman for
Religious Activities
U. S. Junior Chamber of Commerce
21st and Main Sts.
Tulsa, Okla.

Mrs. F. W. Hopkins
National Treasurer
League of Women Voters
221 Harrison Avenue
Highland Park, N. J.

Mr. George K. Hunton
Catholic Interracial Council
20 Vesey Street
New York 38, N. Y.

Mrs. Clifford N. Jenkins
Chairman, Committee on Legislation
30 Deerpath, Norgate
Roslyn Heights, L. I., N. Y.

Dr. Richard Kennan
The National Education Association
of the U. S.
1201 16th St., N. W.
Washington 6, D. C.

Dr. Dumont F. Kenny
National Program Director
The National Conference of
Christians and Jews
381 Fourth Avenue
New York 16, N. Y.

Rabbi Morris Kertzer
Director, Inter-Religious Activities
The American Jewish Committee
386 Fourth Avenue
New York 16, N. Y.

Dr. Jordan L. Larson
Superintendent of Schools
American Association of
School Administrators
257 S. 4th St.
Mount Vernon, N. Y.

Dr. Benson Y. Landis
National Council of the Churches
of Christ in the U.S.A.
297 Fourth Avenue
New York 19, N. Y.

Mr. Samuel Markle
President
District #1
B'nai B'rith
115 Broadway
New York City

Dr. Cyrus H. Maxwell
Assistant Director
American Medical Association
1523 "L" St., N. W.
Washington 5, D. C.

Mr. George B. McKibbin
Attorney, Governmental Consultant
231 S. La Salle St.
Chicago 4, Illinois

Mrs. Douglas MacNeil
Community Relations Division
Girl Scouts of the United States
of America
155 East 44th St.
New York 17, N. Y.

Mr. Paul Patchin
International Director
Lions International
Kinderhook, N. Y.

Mr. Harold Rosenberg
The Advertising Council
25 West 45th St.
New York 36, N. Y.

Mr. Noel Sargent
Secretary
National Association of Manufacturers
14 West 39th St.
New York 20, N. Y.

Mr. James A. Solan
Assistant Executive Director
Boys' Clubs of America
381 Fourth Avenue
New York 16, N. Y.

Mr. Arthur A. Schuck
Chief Scout Executive
Boy Scouts of America, Inc.
2 Park Avenue
New York 16, N. Y.

The Reverend Ralph W. Sockman
Christ Church Methodist
Park Avenue at 60th St.
New York 21, N. Y.

Miss Ruth Teichmann
Director of Program
Camp Fire Girls, Inc.
16 East 48th St.
New York 17, N. Y.

Mr. Eugene F. Trumble
Program Manager
U. S. Junior Chamber of Commerce
21st and Main Streets
Tulsa, Oklahoma

Mr. Kenneth D. Wells
President
Freedoms Foundation
Valley Forge, Pa.

Mr. Walter White
Executive Secretary
National Association for the
Advancement of Colored People
20 West 40th St.
New York 18, N. Y.

The Reverend Harold E. Whittet
National Chaplain
Veterans of Foreign Wars of the U.S.
789 17th Avenue, North
South St. Paul, Minn.

Miss Josephine Wilkins
Southern Regional Council, Inc.
41 East 57th St.
New York 22, N. Y.

Mr. Matthew Woll
Second Vice President
American Federation of Labor
200 East 70th St.
New York, N. Y.

Mr. Herman E. Wornom
General Secretary
The Religious Education Association
of the U.S. and Canada
545 West 111th St.
New York 25, N. Y.

Dr. Wilbur C. Parry
Administrative Secretary
The National Council of the
Churches of Christ in the U.S.A.
297 Fourth Avenue
New York 19, N. Y.

December eighteen, 1953

Reverend J B Addy
Graniteville
South Carolina

Dear Reverend Addy:

Here is a useful publication described in the attached letter to Dr Lets.

Mr Schaeffer said you would be interested in receiving a copy of it.

I do greatly hope that the Synod of South Carolina will lay in a goodly stack andget them out to local people who might help in the general movement to build a public opinion in the South temperate as well as constructive about whatever decision the Supreme Court may give.

Sincerely yours

George S Mitchell
Executive Director

gsmpt
enclosures

JOHN Q. ADAMS

525 WEST STREET

PRESIDENT
THE MANHATTAN REFRIGERATING CO., NEW YORK
UNION TERMINAL COLD STORAGE CO., JERSEY CITY
CHELSEA 3-3500
BRONX ANNEX, BRONX TERMINAL MARKET

NEW YORK

SRC — 6 — 9

May 18, 1953

Mr. John Q. Adams
525 West Street
New York, N. Y.

Dear Mr. Adams:

When you were at the Richmond Catholic Committeeof the South meeting, you said send you some things about the Southern Regional Council and you would take a look.

Here are some back issues of NEW SOUTH and a mimeographed leaflet about the Council as a whole.

Consider becoming a member, and we could keep on sending you the magazine.

Warmly,

George S. Mitchell
Executive Director

GSM:ec

Tickler Sep. 5

June 10, 1953

Mr. John Q. Adams
525 West St.
New York, N. Y.

Dear Mr. Adams:

Many thanks for your letter of June 8 about membership in the Council. Here is a short version of the leaflet about the Council that we sent you, with a membership blank on the back.

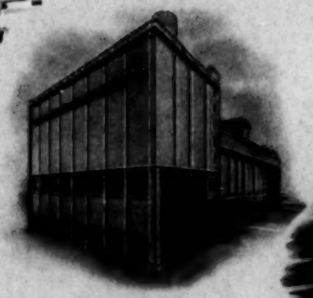
Dr. Mitchell is on a speech-making trip and I know will be glad to see your letter when he returns.

Write us if there's anything else you want to know about SRC.

Sincerely,

Emily Calhoun
Secretary to George S. Mitchell

Encl.



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LIGHTERAGE FREE
JOURNAL SQ. 2-3125
WORTH 2-2311

GENERAL OFFICES
525 WEST ST., NEW YORK 14
CHELSEA 3-3500

June 8, 1953

RECEIVED
JUN 10
Southern Regional Council

Mr. George S. Mitchell
Southern Regional Council, Inc.
63 Auburn Avenue, N. E., Room 432
Atlanta 3, Georgia

Dear George:

Thank you for the copies of "New South" and the leaflet about the Council.

I am very interested in your activities and wonder if you could indicate the cost of a membership in the Council.

Sincerely,

Jack Adams

JQA:GS

John Q. Adams

January 7, '54

Dear the Ashby's,

A whole lot of thanks, for food, nap, toting, audiences, careful pre-arranging, and wise counsel.

Greensboro is going to behave.

Sincerely,

GSM

RECEIVED
APR 13 1954
Southern Regional Council

12 April, 1954

My dear Mr. Mitchell:

This morning's Asheville CITIZEN carries an editorial announcing the gift of $ 240,000 to the Council by the Ford Foundation. Congratulations, not only on getting the money but the recognition of the value of the Council's work the gift bestows.

Be careful or the Junior Senator from Wisconsin will get you if you don't watch out.

You ought to make it a point to drop by Tryon some day. It is a rare communityand quite stimulating to study even by one who is definitely and by choice sitting on the side lines wtching the prosession.

Cordially yours,

Jessie Rhind Rees

cc to Mr. Wright.

April 20, 1954

Miss Erma M. Appleby
3025 Ontario Road, N. W.
Washington, D. C.

Dear Erma:

We miss you in these further parts. Nice of you to put yourself in such fine standing!

Cordially,

George S. Mitchell
Executive Director

GSM/eab

MAR 24 1955

1120 West Pascagoula Street
Jackson, Mississippi
March 23, 1955

Dr. George S. Mitchell
Executive Director Southern Regional Council
63 Auburn Avenue Northeast
Atlanta, Georgia

Dear Dr. Mitchell:

This letter is a confirmation of our request that you serve as our guest speaker Friday evening April 8. It is the Southeastern Regional Conference of Alpha Kappa Alpha Sorority, comprising- Alabama, Louisiana, Mississippi and Tennessee.

The program is open to the public and will be held at the Sherman L. Greene Auditorium, Campbell College - just across the street from Jackson College. We are using as a conference theme "The Role of Alpha Kappa Alpha Women in an Integrated Society." (Do not feel bound by the theme, if it tends to limit your thinking.)

It has been our custom to pay expenses and a small honorarium: however, if this is not satisfactory, please feel free to state your terms.

Sincerely yours,

Florence O. Alexander

Florence O. Alexander, Chairman
Program Committee
Beta Delta Omega Chapter
Alpha Kappa Alpha Sorority

Ruby E. Stutts Lyell

Ruby E. Stutts Lyell, Basileus
Beta Delta Omega Chapter
Alpha Kappa Alpha Sorority

Alpha Kappa Alpha
Sorority

March 24, 1955

Miss Florence O. Alexander
1120 West Pascagoula Street
Jackson, Mississippi

Dear Miss Alexander:

All straight about your and Mrs. Lyells' letter to me of March 23rd. I will be at your service for Friday evening, April 8th at Campbell College.

I suppose it would be fair to describe the topic of my talk as "Responsibility and Integration."

If the group will pay my expenses only, I will be satisfied. But if they can find $25.00 toward the Southern Regional Council's needs on top of the expenses, we would be especially gratified.

Sincerely,

George S. Mitchell
Executive Director

GSM/eab
cc: Mrs. Lyells

April 18, 1955

Miss Florence O. Alexander
1120 West Pascagoula Street
Jackson, Mississippi

Dear Miss Alexander:

How very kind indeed that was of the Mississippi Chapter of Alpha Kappa Alpha Sorority to send over a whole $100.

Actually, my expenses were $52.91. I accept for the Southern Regional Council an honorarium of $25.00 and return to your treasury $22.09.

If you are looking for a good place to put the $22.09, I would suggest the Mississippi Council on Human Relations!

Sincerely,

George S. Mitchell
Executive Director

GSM/eab
cc: Mrs. Ruby Lyells

Dictated by Dr. Mitchell/signed in his absence.

1120 W. Pascagoula Street
Jackson, Mississippi
April 15, 1955

APR 18 1955

Mr. George S. Mitchell, Executive Director
Southern Regional Council
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Mr. Mitchell:

On behalf of the Mississippi Chapters of Alpha Kappa Alpha Sorority, we wish to express appreciation for your contribution to our conference program last Friday evening. Everyone enjoyed you and we have been congratulated upon bringing you to Jackson.

I understand Mrs. Lyells has already looked after the financial end of our agreement.

Sincerely yours,

Florence O Alexander per
(Miss) Florence O. Alexander
Program Chairman

mem

a Rw

April 25, 1955

Miss Florence O. Alexander
1120 West Pascagoula St.
Jackson, Mississippi

Dear Miss Alexander:

Enclosed is the check for $22.09 which is the amount Dr. Mitchell is returning to you as overpayment on his travel to your meeting in Jackson, Miss. recently.

We greatly appreciate your sending the payment for travel and honorarium so promptly.

Very truly yours,

Katherine Stoney,
Secretary-Treasurer

ks
encl.

Check #6763

May 2, 1955

Mr. W. H. Aiken
President
Waluhaje Apartments
239 West Lake Avenue, N. W.
Atlanta, Georgia

Dear Mr. Aiken:

Our Southern Regional Council and its predecessor, the old Commission on Interracial Cooperation, chose Atlanta as the central city for improvement of race relations here in the South for the same reason that hundreds of governmental agencies and major American corporations have located in this city; its natural geographical convenience as an economic and administrative capitol of this southeastern region. All very well this centering in Atlanta for white agencies and institutions. But until you built the Waluhaje Apartments we had perforce to be apologetic and less than fully effective because the city contained, except in purely private institutions, little or no modern accomodation open to Negro travellers and to conferences built not on lines of race but on mutual interest. We rejoiced with each brick that went into Waluhaje's walls; and we have been dismayed by the legal tangle which prevents the use of such admirable facilities for conferences and transient stay.

In this new period which opens in the South, the full use of Waluhaje's facilities will be more necessary than ever. I cordially hope that your former complete hospitality and service to the city, and to the South, can be restored.

Sincerely,

George S. Mitchell
Executive Director

GSM/eab

AKA
8/3/55

May 11, '55

Mrs. R. C. Wallace
1116 McGhee Street
Knoxville, Tenn.

Dear Mrs. Wallace,

When your letter came in this morning I put in a 'phone call for you at once, but thus far into the day you've not been there, and I hasten to get this letter to you by to-night's mail.

Dismally I am promised, months ago, to be at a meeting of Methodist women (some sort of nationwide seminar) in New York August 2, 3, and 4, and that I'll have to stick to. And I'm due, though less urgently, at Montreat, N.C., for the Southern Presbyterians August 5. When I talked with Miss Daniel, at Jackson, I would certainly have said that I was away from my calendar, and subject to what might be on it, I would be delighted and honored to go out to the Convention in Sanfrancisco. But the calendar rules, and there it is.

As others to be candidates, I suggest any of three:

Marion A. Wright, Pres. of S.R.C. Lives at Linville Falls, N.C. (hardly reachable by 'phone). South Carolinian, white, lawyer who has given up practice (though by no means elderly), straight and right on all these matters, forceful speaker, eloquent.

Ben. D. Segal. Quaker, lately concerned for a year's fellowship in England to improve the relationship between British and U. S. trade unionism, and now employed by the Fund for the Republic on one of their current studies. Much Southern experience, including work for the textile workers Union (CIO) at Lynchburg, Va. Eloquent speaker, simple, direct, good. Address, Fund for the Republic, 1 East 54th St.

Fred Routh, of this office. Floridian, taught for some years at University of Miami, white, human relations expert, studied it at N.Y.U., masterful speaker, straight guy, actually doing the job of working up, with C. H. Parrish of Louisville, these new State organizations for S.R.C. Man about 30 years old.

Fred would of course go on the same terms as for GSM; expenses and some contribution to SRC. I assume Marion Wright would be the same. Segal is not connected with us, (except by marriage to a sister-in-law of our Treasurer!) and you would need to strike your own bargain with him.

My guess would be Routh, but these three and many more could well do the job.

I would have a good time going, if I could, and I am disappointed that it won't work out. We consider AKA a friend of ours, and I would like to do that pleasant trip to show it again!

Sincerely,

George S. Mitchell
Executive Director

GSM/gml

Directorate

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Supreme Basileus
Knoxville, Tennessee

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Alpha Kappa Alpha Sorority

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ARNETTA G. WALLACE
Supreme Basileus
1116 McGHEE STREET
KNOXVILLE, TENNESSEE

May 6,
1955

Mr. George S. Mitchell
Executive Director
Southern Regional Council
Atlanta, Georgia

Dear Dr. Mitchell:

Alpha Kappa Alpha Sorority will hold its 35th Annual Convention in San Francisco, California, August 2nd through 6th. The Public Meeting will be held the evening of August 3rd. The Executive Committee voted unanimously to extend to you an invitation to be the principal speaker on that occasion. The Theme of the meeting is "Making Ideals Realities". We were delighted to hear through Miss Lois Daniel(Director of the Southeastern Regional Conference of Alpha Kappa Alpha Sorority) at which you in Jackson, Mississippi, on Easter week-end)that you will be available to serve us at that time and that a contribution to the Southern Regional Council will constitute our financial obligation. We feel very fortunate indeed to secure your services and are grateful for the generous consideration you have given us.

Please let us hear from you at the earliest possible moment inorder that the Program may be sent to press.

Yours truly,

Arnetta G. Wallace

Arnetta G. Wallace,
(Mrs. R. C.)

AGW/sd

Centrale File

May 27, 1955

Mr. Burnham A. Colby
Adult Education Association
743 North Wabash Avenue
Chicago 11, Illinois

Dear Mr. Colby:

I will be happy to become a member of the Adult Education Association's Young Adult Section.

I am interested in the outline of the plan of organization which you enclosed and shall look forward to further opportunities to consider developing program.

Yours cordially,

(Mrs.) Grace T. Hamilton
Assistant for Program

GTH:rnf
Dictated May 25
encl.

October 24, 1955

Mr. J. C. Ezenekwe
Director
African Cultural Society, Inc.
242 East Fourteenth Street
New York 3, New York

Dear Mr. Ezenekwe:

I am mighty sorry that I was not here when you were in Atlanta, and came to see us. I send you, separately, and with much pleasure, some pamphlets about the things we do. I also send a publications list.

I am sorry we don't have any mailing lists, but we do gladly accept subscriptions to our monthly magazine, New South, and would gladly add you to its list. But it costs $2.00.

Meanwhile, if we can ever be helpful to you by mail we would wish to.

Sincerely,

George S. Mitchell
Executive Director

GSM/eab
Under Separate Cover:
New South, March - September, 1955
Answers for Action
SRC publications list
SRC promotion leaflet
Changing Patterns' promotion leaflet

Telephone OR. 4-4242

AFRICAN CULTURAL SOCIETY, Inc.
242 EAST FOURTEENTH STREET
NEW YORK 3, NEW YORK

October 19,1955

OCT 24 1955

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Dr. A. Mitchael
The Southren Regional Council
65 Audburn Avenue
Atlanta, Georgia

Dear Dr. Mitchel:

I want to take this opportunity to thank your office for the servies it gave me during my recent visit to the South last summer. Although you were out of the city during my visit your office staff was very helpful to me.

I will be making visit to West Africa by the middle of December. I will appreciate it very much if your office will be kind enough to send to me all necessary literatures of the Council. If your office puts out any magazine I will ask that the name of this organization on the mailing list.

Yours sincerely

J.C.Ezenekwe
Director

JCE.ed

November 10, 1955

MEMORANDUM

TO: RA

FROM: GSM

A Mr. David O. Anderson, 601 West 113th Street, New York City, is an associate member of the Southern Regional Council. He wrote me that he had heard Fulton Lewis, Jr., fussing versus SRC and hastened to renew his $5.00 dues. Said it had been quite some time since he had been billed, but was satisfied that he was now due to pay again. How do we stand on billing our associates?

eab/

Encl.

January 27, 1956

Mr. Edward M. Kahn, Executive Director
Atlanta Jewish Community Council
41 Exchange Place, S.E.
Atlanta, Georgia

Dear Ed:

I do greatly appreciate the Harvard clipping which otherwise we would not have seen.

We are considering a libel suit against the original utterers of this trash and will be helped by the Harvard item.

Sincerely,

George S. Mitchell
Executive Director

GSM:mef

Atlanta Jewish Community Council

HCF please return

RECEIVED JAN 24 1956

January 23, 1956

Mr. George Mitchell
Executive Director
Southern Regional Council
Wesley Memorial Building
Atlanta, Ga.

Dear George:

A nephew of mine who is attending the Harvard Law School, sent me a copy of the "Harvard Times-Republican". You will be interested in the item entitled, "Modern Bed Time Stories".

You will also be interested to learn that a major objective of our Community Council is the promotion of good community relations within the Jewish community and in relation to the general community. This program is being carried on by our Community Relations Committee through a variety of activities.

I thought this information would be of interest to you as our paths may cross in many of these activities in cooperative endeavors.

With cordial greetings.

Sincerely yours,

Edward M. Kahn

Edward M. Kahn
Executive Director

EMK:rgf

Enclosure

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ROBERT M. TRAVIS
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Not checked

December 10, 1956

Mr. William D. King
Chaplain
Alcorn A. & M. College
Lorman, Mississippi

Dear Mr. King:

I have some links with Alcorn myself, and I am deeply appreciative of your kind letter. Indeed, my grandfather at Jonestown managed old Governor Alcorn's plantation; and in this generation Horace Cayton and I wrote a book together, and Horace is grandson to Senator Revels. And I have been at the College, and my friend Harry Wright had a hand in paving that road.

The most we can do is take out $2.00 for your subscription to New South from your kind $5.00. By agreement with our state organizations we do not accept individual memberships from persons in the South; and merely ask our friends to join the various state organizations. But we do take subscriptions to New South directly and most gratefully. So here is $3.00 back.

Maybe you will be kind enough to join the Mississippi Council on Human Relations -- and that is its name -- which has its offices at 1104 Lynch Street, in Jackson.

Sincerely,

George S. Mitchell
Executive Director

GSM/eab
Encl. SRC check for $3.00

PHONE
PORT GIBSON - 420

Office of the Chaplain

Alcorn A. & M. College

ALCORN COLLEGE RURAL STATION
Lorman, Mississippi

Dec. 7, 1956

RECEIVED DEC 10 1956

Mr. George S. Mitchell
Executive Director
Southern Regional Council
63 Auburn Ave.
Atlanta 3, Georgia

Dear Sir —

Enclosed please find my check of $5.00 for membership in the Southern Regional Council and subscription to "New South."

As chaplain at a college in the Deep South and as a social science instructor at this college, I find your publications of tremendous help in sermon building and class room purposes. The "New South" is a light set on a hill in the middle of an area needing that light.

Yours truly,
Wm D. King, Chaplain

March 12, 1957

Miss Ellen B. Armstrong
63 Canal Street
Port Jervis, New York

Dear Miss Armstrong:

You were very kind to write and to send in a check to the George S. Mitchell Tribute Fund. The responses so far indicate, as you might expect, that a great many people want to be included in this gesture.

The job I have taken on is a big one and tremendously challenging. It helps greatly to have the good wishes of valued friends like you.

Jane joins me in warmest regards.

Sincerely,

Harold C. Fleming
Executive Director

HCF/eab

5.00 not yet received

Ellen B. Armstrong
63 Canal Street
Port Jervis, New York

March 1, 1957.

Dear Harold:

I think the idea of having a Tribute Fund for George is lovely. I made out my check for $5.00 to you, and was going to tell you how pleased I was to send a mite, wishing it could be more, when I opened up the envelope and saw that checks should be made to the Council.

I also want to tell you how glad I am that you are taking over the Executive Directorship. I shall think of you often in it, and pray God's blessing upon you. Please remember me warmly to Jane.

Yours cordially,

Ellen B. Armstrong.

March 13, 1957

Mr. William P. Fidler
American Association of
University Professors
1785 Massachusetts Avenue, N. W.
Washington 6, D. C.

Dear Mr. Fidler:

We are enclosing a copy of our special report, "Pro-Segregation Groups in the South," and a copy of our January issue of New South which deals with this subject. If we can be of further help, please feel free to call on us.

Sincerely,

Paul Anthony
Administrative Assistant

PA/eab
Encls.

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS
1785 MASSACHUSETTS AVENUE, N. W.
WASHINGTON 6, D. C.

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University of Alabama

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LOUISE E. RORABACHER, *Staff Associate*
WILLIAM P. FIDLER, *Staff Associate*

March 11, 1957

Southern Regional Council
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Gentlemen:

We have need of an additional copy of your Special Report entitled "Pro-Segregation Groups in the South." One of our committees wishes to consult this useful publication. We shall be grateful for your assistance.

Sincerely yours,

William P. Fidler

William P. Fidler

WPF:ms

May 6, 1957

Mr. Thomas Augustine, Director
Industrial Relations
Akron Community Service Center, Inc.
250 East Market Street
Akron 8, Ohio

Dear Mr. Augustine:

We have received your letter of inquiry about Mr. Howard D. Roberts, of Daytona Beach, Florida, who has applied for the position of Industrial Field Secretary with the Akron Community Service Center, Inc.

It is our belief that Mr. Roberts would admirably fill this position. He is a well qualified and experienced professional in the field of human relations. He has been the Associate Director of our affiliate, the Florida Council on Human Relations, for the past two years. During this period, he has demonstrated his ability in the delicate field of human relations in the South by closely working with integrated groups in a score of Southern cities, by helping direct research to determine the status of local inter-group relations, and by representing the Florida Council before many lay and professional groups.

My responsibility has been of a supervisory nature with our state staff and Mr. Roberts has always demonstrated a cooperative, open-minded, constructive approach to our discussions. It is, therefore, without hesitation that I recommend him for this opening with your agency.

Sincerely yours,

Frederick B. Routh
Assistant Director

FBR:mm

Akron Community Service Center, Inc.

(URBAN LEAGUE OF AKRON)

250 EAST MARKET STREET AKRON 8, OHIO

Telephone: HEmlock 4-3101

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★

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★

Contributions to the Akron Community Service Center are deductible for income tax purposes.

May 2, 1957

Dr. Frederick B. Routh, Assistant Director
Southern Regional Council
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Dr. Routh:

Mr. Howard D. Roberts of 712 Park Drive, Daytona Beach, Florida, is applying for a position on our staff as Industrial Field Secretary. The enclosed announcement of that vacancy will give you an idea of the requirements and duties of that position.

Mr. Roberts has you listed as a source of reference on his qualifications. Would you reply indicating frankly whether or not you believe he could ably discharge the duties of Industrial Field Secretary?

We are endeavoring to fill the position as quickly as possible. Your prompt reply would assist us greatly.

Sincerely,

Thomas Augustine

Thomas Augustine, Director
Industrial Relations

TA:RMM

Enclosure

POSITION OPEN FOR INDUSTRIAL FIELD SECRETARY

AKRON COMMUNITY SERVICE CENTER
(Urban League of Akron)

SALARY: $4,800 - $6,000 per year

JOB DESCRIPTION: The Industrial Field Secretary assists the Department Director in planning and carrying out a program of job development and vocational guidance. He develops and serves lay committees which act persuasively to open new employment opportunities for Negro workers. He makes public appearances and field visits to proffer agency service in the hiring and upgrading of Negroes. He stimulates the improvement of school vocational guidance services and the more general and effective use of these services by Negro youth. He develops and directs group vocational guidance activities in cooperation with the other departments of the agency.

QUALIFICATIONS: Age - 25-45 preferred
Sex - Male preferred

Education Graduation from an accredited college with a major in one of the social sciences is required. Graduate study in social work, sociology, economics or vocational guidance is preferred.

Experience A minimum of three years successful experience in race relations, industrial relations, personnel, case or group work, government service, or education, or some combination of these that has provided the applicant with:

an abiding faith and zeal for the work of the Urban League:
a working knowledge of community organization, vocational counseling and placement procedures:
the ability to write and speak convincingly:

Physical condition Normal height and weight. Normal or corrected vision. The stamina for sustained hard work.

To inquire further write to: Raymond R. Brown, Executive Director, Akron Community Service Center, 250 E. Market St., Akron 8, Ohio

September 20, 1957

Miss Ellen B. Armstrong
63 Canal Street
Port Jervis, New York

Dear Miss Armstrong:

How kind of you to remember us so generously. The encouragement of good friends means a great deal to us at this particularly difficult time.

We had a good long letter from Alice and George recently and rejoiced that they were finding life in Scotland pleasant if strenuous.

All of us here join in warm greetings to you.

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf
Enclosure - 1 official receipt

Ellen B. Armstrong
63 Canal Street
Port Jervis, New York

September 10, 1957.

Mr. Harold Fleming,
Atlanta, Georgia.

Dear Harold:

I am enclosing my small gift for the Southern Regional Council. I congratulate you on the fine work you are doing. May God bless richly all of you in your efforts, especially at this time, toward understanding & honesty.

Remember me kindly to Jane.

With best wishes,

Ellen B. Armstrong.

$10.00 CR
pho
9/13/57

October 3, 1957

Mr. Karl Baehr, Executive Director
American Christian Palestine Committee
65 East 55 Street
New York 22, New York

Dear Mr. Baehr:

Mrs. Tilly is preparing for a Regional meeting of the "Fellowship of the Concerned" and asked me to answer your letter of September 20.

Some Negro citizens with whom you might want to be in touch in Georgia and Alabama include:

Dr. Rufus E. Clement, Atlanta University, Atlanta, Georgia.
Dr. Benjamin E. Mays, Morehouse College, Atlanta, Georgia.
Dr. C. O. Gomillion, Tuskegee Institute, Tuskegee, Alabama.
Rev. Martin Luther King, Jr., The Montgomery Improvement Assn. 530 South Union Street, Montgomery, Alabama.
Mr. E. D. Nixon, The Montgomery Improvement Assn., 530 South Union Street, Montgomery, Alabama

I hope this will be of some aid to you and if we can be of additional help, please do not hesitate to write us.

With best wishes,

Sincerely,

John Constable
Director of Information

JC:lec

File

October 14, 1957

Mrs. Jessie D. Ames
P. O. Box 626
Tryon, North Carolina

Dear Mrs. Ames:

Mr. Fleming is presently ill and away from the office. He has, therefore, instructed that we send you Mrs. Stokely's address which is as follows:

Mrs. James Stokely
405 Clifton Heights
Newport, Tennessee

If we may be of further assistance to you, please feel free to call on us.

Sincerely,

Paul Anthony
Administrative Assistant

PA/mf

RECEIVED OCT 14 1957

7 October, 1957

My dear Mr. Fleming:

The last of August Mrs. Stokely drove down from Asheville to get some information on the work of Southern White Women in race relations. She said that the Southern Regional Council, I suppose she meant you, had suggested that she see me.

I let her take some material with her to study, since she could not do this during the short time she was with me. She said she would return it in three weeks or less. So, I did not ask her for her address.

This is what I want as she as neither returned the material nor has she written to me. Would you have your secretary send me her address?

I looked in the flap of the " French Broad River" for it. Only her maiden name is given and her address as Newport, Tennessee. On the other hand, she may have moved back to Asheville.

Right now it looks as though all the work of the Commission on Interracial Cooperation and the Southern Regional Council is about to go down the drain. But not to be lost forever. A drain is supposed to have an outlet and a remnant will be preserved.

Sincerely yours,

Jessie Daniel Ames

(Mrs. Jessie Daniel Ames)

P.O.Box 626
Tryon, North Carolina.

November 4, 1957

Mr. Irving Breakstone
Past Commander
The American Legion
140 N. Dearborn Street
Chicago 2, Illinois

Dear Mr. Breakstone:

I am returning with sincere thanks the directory which you let us use. I hope we haven't inconvenienced you by keeping it this long.

We continue to appreciate your constructive influence within The Legion and otherwise, and your interest in setting the record straight with respect to the Southern Regional Council.

Cordially,

Harold C. Fleming
Executive Director

HCF/mf
Enclosure: 1 - Directory of National Officers, 1956-57

RECEIVED SEP 6 1957

THE AMERICAN LEGION

Past
OFFICE OF
IRVING BREAKSTONE
DEPARTMENT COMMANDER
140 N. DEARBORN ST.
CHICAGO 2
TELEPHONE STATE 2-2922

September 4, 1957

Mr. Harold C. Fleming
Executive Director
Southern Regional Council, Inc.
Atlanta, Georgia

Dear Mr. Fleming:

Thank you very much for your letter of August 30th enclosing additional copies of the analysis of the attack made by The Firing Line.

I am enclosing to you herewith, the Directory for 1956-1957 of the National Officers, Commissions and Committees and Department Officers for your use in mailing out additional copies of this analysis to prominent Legionnaires in aid of your program.

When you have completed your use of this Directory, will you please return it to me?

Very truly yours,

Irving Breakstone

IRVING BREAKSTONE
Past Commander

IB/j
Enc.

JC —
you know who
this is, don't you?
H.

RECEIVED DEC - 2 1957

Ellen B. Armstrong
63 Canal Street
Port Jervis, New York

November 27.

Mr. Harold Fleming,
Atlanta, Georgia.

Dear Harold.

I want to tell you, and all the Southern Regional Council, what an excellent issue this October 1957 New South is. I thank all of you for it.

May God give you continued insight into His purpose & plan for this world.

Yours cordially,

Ellen B. Armstrong.

February 4, 1958

Mrs. Marjorie M. Armstrong
1407 Benton Avenue
Springfield, Missouri

Dear Mrs. Armstrong:

In the absence of Mr. Fleming, your letter of the 27 has been called to my attention. Under separate cover we are sending you a collection of materials which should be of some help in your forthcoming study.

Secondly, concerning your question of organizations concerned with race relations, the American Council on Race Relations determined in a study made in 1949 that 203 regional and national agencies were interested in intergroup relations. They were broken down as follows:

National:

Federal 20
Private 120

Regional:

Federal 10
Private 53

The National Association of Intergroup Relations Officials is now preparing a directory of intergroup relations agencies. This should be ready for distribution shortly. You can obtain a copy of this directory

through Mr. Arnold Aronson, President, The National Association of Intergroup Relations Officials, 152 West 42nd Street, New York 36, New York.

Among the materials we are sending is an SRC special report, "Organizations and Personnel Engaged in Human Relations Activities in the South."

If we can be of further help, please feel free to call on us.

Sincerely,

Paul Anthony
Administrative Assistant

PA/mf

Memo

FROM THE DESK OF **JOHN CONSTABLE**

1/30/58

HCF:

For literature ~~xxxxxxxxxxxxxxxx~~ and display material, I suggest you send:

1. some copies of MAW "Public Ethics and the Integration question.
2. copies of pub. list.
3. Display material consisting of;
   (a) Negro voter.
   (b) New South's for 1956-1957
   (c) Three Views
   (d) What the Supreme Court Said
   (e) Special Reports
   (f) Next Steps

PA - Please have sent & write her in my absence re this

For question No. 1, Fred said he does not have NAIRO Directory.

The latest thing we have is dated 1949 which lists 203 regional and national intergroup agencies. They are listed as:

National		
	Federal	20
	Private	120
Regional		
	Federal	10
	Private	53

(Tell her NAIRO is making a current survey & give her address.)

The source for this information is:
American Council on Race Relations
4901 Ellis Avenue
Chicago 15, Illinois

Information reveals that 64,000,000 Americans live in areas (either municipal or state) which are under FEPC laws. (Courtesy of Fred Routh)

~~Marge is writing American Council to see if they have up-to-date material. Perhaps Mrs. Armstrong would like to write also.~~

RECEIVED JAN 29 1958

MARJORIE MOORE ARMSTRONG

~~5104 Brookview Drive~~
~~Washington 16, D. C.~~

1407 Benton Avenue
Springfield 2, Missouri

January 27, 1958

Dear Mr. Fleming:

In response to a suggestion from our mutual friend, Dr. McDowell of Wake Forest, I am writing you for some help in a particular project of mine.

Unlike my Southern Baptist colleagues, the Christian Council of this city is going ahead with its plans to offer a course on race this year. I am the teacher. For six successive Monday evenings, beginning February 10, we shall discuss the opportunities and problems suggested by the textbook by Dr. Mays, SEEKING TO BE CHRISTIAN IN RACE RELATIONS. (Springfield with a bare 7 per cent of its population Negro is probably no more courageous than Americus or Montgomery; but I'm glad the course has not been cancelled.)

I am especially hopeful that you can provide one statistic that I need. Dr. McDowell made such an excellent talk ten or twelve years ago on the factors which complicate the race question in our region, I still offer his outline to some of my audiences, and I want the up-to-date figure on the number of regional and national organizations dedicated to helping solve the problem of race in America. It was 125 or thereabouts when Dr. McDowell made his talk; it must be more now. Thank you for any information you may have on this.

(1)

Any free literature you can send will also be welcome. Any sample copies of priced materials will be put on display and recommended for personal orders. I have great regard for the Southern Regional Council and shall gladly boost its work. With sincere appreciation,

(2)

Cordially yours,

Marjorie M. Armstrong
(Mrs. O. K. Armstrong)

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Supreme Basileus
Knoxville, Tennessee

MAYME E. WILLIAMS
First Supreme Anti-Basileus
Miami, Florida

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Administrative Secretary

CAREY B. PRESTON
Chicago, Illinois

Alpha Kappa Alpha Sorority

OFFICE OF
SUPREME GRAMMATEUS
4644 Lee Avenue
~~1911A Gold Avenue~~
ST. LOUIS, MISSOURI

February 23, 1958

Mr. Frederick B. Routh, Assistant Director
Southern Regional Council, Incorporated
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Fred:

Since the public forum and the television program on Sunday, February 2, innumerable comments from citizens have been received, attesting to the effectiveness of our presentation. Gamma Omega Chapter of the Alpha Kappa Alpha Sorority is indeed appreciative of your having participated in the observance of our Golden Anniversary.

Enclosed is a copy of nearly all the articles which appeared in the newspapers.

The committee is happy that you enjoyed your visit here despite the heavy snow and ice. You have my best wishes for continued success in your work with the Southern Regional Council.

Sincerely yours,

Evelyn

(Miss) Evelyn H. Roberts

Mrs. Max Ascoli
23 Gramercy Park South
New York 3, N. Y.

February 27, 1958

My dear Mr. Fleming :

Many thanks for your nice letter of February 24th, together with the copy of the Southern Regional Council's Annual Report for 1957, which I look forward to reading with much interest.

We too enjoyed your visit and I am sure that Dr. Ascoli will be glad to receive your suggestions for The Reporter.

Very sincerely,

Marion Ascoli

Mr. Harold C. Fleming, Executive Director
Southern Regional Council, Inc.
Room 432,
63 Auburn Avenue, N. E.
Atlanta, Georgia

February 25, 1959

Mrs. Marion R. Ascoli
20 Gramercy Park, South
New York 3, New York

Dear Mrs. Ascoli:

I thought you might like to have copies of our Annual Report and audited financial statement for 1958. Painful as the past year was in many ways, both the South and the Southern Regional Council made some progress. With the issue now coming to a head in our own home city, Atlanta, the coming year should be an eventful one.

It's been good to see Doug Cater back on the job and, periodically, on the Southern beat.

My very best to you and Dr. Ascoli. I hope to see you both again soon.

With appreciation and regards,

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf
Enclosures - 2.

Port Jervis, N.Y.,
March 3, 1958.

Mr. Harold C. Fleming,
Atlanta, Georgia.

Dear Harold:

I thank you very much for sending me the copy of the Annual Report of S.R.C. I enjoyed reading it, and rejoice in its growth & influence.

May God continue to use it richly.

Remember me cordially to Jane.

Yours cordially,

Ellen B. Armstrong.

Mr. Harold C. Fleming
Southern Regional Council
63 Auburn Ave. N.E.
Atlanta 3
Georgia

March 4, 1959

Civil Rights Commission
746 Jackson Place, N. W.
Washington, D. C.

Gentlemen:

We have received today correspondence from the Department of State indicating that a letter and materials sent from this office to Mr. Dean Acheson have been passed on to your Department.

Mr. Acheson has been informed that our letter to him was inappropriately addressed and additional materials have been sent to him at a corrected address. Therefore, you may disregard the letter and materials you are holding.

Sincerely,

(Mrs.) Mildred Flowers
Secretary to the Director

MF
cc: Mr. Dean Acheson

February 25, 1959

Mr. Dean Acheson
Covington & Burling
Union Trust Building
Washington, D. C.

Dear Mr. Acheson:

On Tuesday, February 24th there was mailed to you from this office a packet of materials on Negro registration and voting in the South. This was done at the suggestion of Mr. Harris Wofford. With the materials there was a covering letter from Mr. Harold Fleming, dictated by him, and signed in his absence.

It has come to our attention that this letter was improperly addressed. I suspect that, even with our inexcusable address, the material will reach you. If it does not, please let us know.

We deeply regret this error.

Sincerely,

Paul Anthony
Administrative Assistant

PA/mf

Encls: The Negro Voter in the South, 1956
" " " " " " , 1958
The Move to Disenfranchise The Negro Voter (Sp. Rpt.)

February 24, 1959

The Honorable Dean G. Acheson
Executive Secretary of State
Washington, D. C.

My dear Mr. Acheson:

At the suggestion of Harris Wofford, I am sending you the enclosed materials on Negro registration and voting in the South. These are materials prepared by the Southern Regional Council for general circulation. A pamphlet updating the enclosed 1957 report is in preparation and will be published in the near future.

We also have the rough data from which these reports were prepared; registration figures by county and state, case studies of selected counties, and other background information. Do call on us if we can be of help to you at any time.

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf
Enclosures

VIA AIR MAIL

April 23, 1958

Mr. Charles Alexandraki
Honorable Secretary
Babies Centre
"Metera"
Athens, Greece

Dear Mr. Alexandraki:

I am happy to write you about the qualifications of Mr. and Mrs. John Schulter as adoptive parents. I can recommend them wholeheartedly on psychological grounds. And I am sure that they would provide a financially secure home for the adopted child.

In my acquaintance with Mr. and Mrs. Schulter, I have been impressed with the breadth and quality of their interests and with the humanitarian values by which they live. I have no doubt that any child adopted by them would have the advantage of an affectionate and cultured home, a superior education and in every other way fine preparation for a fruitful life.

If there is further information which I can supply, I shall be most happy to do so.

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf

BABIES CENTRE
"METERA"
UNDER THE PATRONAGE OF
H. M. THE QUEEN
AGHIOI ANARGYROI ATTIKIS

Athens, the 9th April 1958

REF. No. D194-4

Mr Harold Fleming
Director
Southern Regional Council
Atlanta
Ga.
U.S.A.

Dear Mr Fleming,

As you probably know, Mr & Mrs Schulter intend to adopt a baby from our Centre. As you know Mr & Mrs Schulter, I would be grateful if you would be kind enough to give me your views on their suitability as adopting parents from the financial and psychological point of view, as well as from any other points of view you may consider necessary

Yours faithfully

Ch. Alexandraki
Hon. Secretary

ΚΕΝΤΡΟΝ ΒΡΕΦΩΝ "Η ΜΗΤΕΡΑ" ΥΠΟ ΤΗΝ ΥΨΗΛΗΝ ΠΡΟΣΤΑΣΙΑΝ ΤΗΣ Α. Μ. ΤΗΣ ΒΑΣΙΛΙΣΣΗΣ

1341 CONNECTICUT AVENUE, NORTHWEST
WASHINGTON 6, D. C. DECATUR 2-7754

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SIDNEY WEINSTEIN
JOHN R. WOODS

AMERICANS FOR DEMOCRATIC ACTION

September 8, 1958

Mr. Frederick B. Routh, Assistant Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N.W.
Atlanta 3, Georgia

Dear Mr. Routh:

On Sunday, October 5th ADA in cooperation with its members in Cincinnati, Southern Ohio and Kentucky will sponsor a one-day education conference in Cincinnati devoted to issues of current concern to the general community as well as to liberals. Theodore Berry, former Vice-Mayor of Cincinnati, who is chairing the conference has asked me to invite you on their behalf to be the feature speaker on the panel dealing with civil rights.

This section will deal with two primary problems 1. the effect of the Supreme Court's decision in regard to desegregation of schools and what we can expect in the carrying out of that decision. That is the topic we would like to have you speak on. The other part of the panel will be on a problem more acute to the North, 2. segregated housing.

There is an important need for a thorough and frank discussion in Cincinnati of the race relation problem because it still retains so many characteristics of a Southern city. I am certain that you know that the Cincinnati Charter movement was destroyed and Theodore Berry defeated last year through the use of the racial problem in that community and partly as a backwash of Little Rock. Housing was selected as the other half of the civil rights issue because we in ADA are cognizant that our problems of integration in the North stem from segregated housing patterns. More and more of our ADA chapters are developing action programs in that area.

Other panels at the conference will deal with foreign and economic policy. I will be participating in the sessions as will Arthur Schlesinger, Jr., Leon Keyserling and a number of academicians and civic leaders in the Cincinnati area.

I do hope your very busy schedule will allow you to accept this invitation. We will, of course, reimburse you for the expenses involved. We in the North need to know first hand what is happening in the South, what we can expect and what we can do to further progress in desegregation of schools.

Since it is urgent that we get the announcement to the printer as soon as possible, I would appreciate your wiring your response collect to the above address.

Sincerely,

Robert R. Nathan

Robert R. Nathan
National Chairman

Ex 3 - 8660

Called - recommended MLK be invited!

1341 CONNECTICUT AVENUE, NORTHWEST
WASHINGTON 6, D. C. DECATUR 2-7754

File under Gen'l Correspondence A

AMERICANS FOR DEMOCRATIC ACTION

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SIDNEY WEINSTEIN
JOHN R. WOODS

September 12, 1958

Mr. Frederick B. Routh, Assistant Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N.W.
Atlanta 3, Ga.

Dear Mr. Routh:

We followed up on your suggestion and asked Mr. Wright to participate in our Cincinnati Conference, which he readily agreed to. Many thanks for your suggestion.

Do you have some biographical materials on Mr. Wright that we can use in public relations for the conference?

The program for the conference looks like a really excellent one and we are indebted to you for your assistance.

Sincerely,

Sheldon Pollack
Director of Organization

SP:jeh

September 15, 1958

Mr. Sheldon Pollack, Director of Organization
Americans for Democratic Action
1341 Connecticut Avenue, Northwest
Washington 6, D. C.

Dear Mr. Pollack:

Thanks for your letter of September 12th containing the good news that Marion A. Wright had agreed to speak at the ADA Conference in Cincinnati.

Enclosed is a vita sheet on Mr. Wright. You will discover that he is an Adlai Stevenson with a Southern accent.

All good wishes for the success of the conference.

Cordially,

Frederick B. Routh
Assistant Director

FBR:ls
enc. vita sheet
c.c. Marion Wright

AMERICAN LABOR EDUCATION SERVICE, INC.

1776 BROADWAY, NEW YORK 19, N. Y.

Telephone: CIrcle 5-9065

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Neil C. Sherburne
Harold Taylor
Tom Tippett

December 24, 1958

Mr. Harold Fleming
Southern Regional Council
63 Auburn, N.E.
Atlanta 3, Georgia

Dear Mr. Fleming:

Thank you very much for your thoughtfulness in saying that you will be willing to tell Mr. McGill something about our ALES program. We greatly appreciate your assisting us in interpreting our work to Mr. McGill. It would mean very much to us to have him with us at our annual conference.

With kind regards,

Sincerely yours,

Eleanor G. Coit

Eleanor G. Coit
Director

EGC:ds

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December 24, 1958

Mr. Ralph McGill, Editor
The Atlanta Constitution
Atlanta, Georgia

Dear Mr. McGill:

President Gould of Antioch College, at our recent Board of Directors meeting, suggested that we try to persuade you to come to our annual labor education conference in February as our dinner speaker. We hope that you will be willing to speak to the group who attend this conference on the present social and political scene, emphasizing the outstanding problems with which adult educators must deal in order to meet the challenge of the present day. The dinner meeting is scheduled for Saturday night, February 21.

Our annual labor education conference, which is held each year in New York City, is co-sponsored by the American Labor Education Service, a national labor education body, and Local 189 of the American Federation of Teachers, the members of which are engaged in labor education. The conference is attended by about 150-200 union educational directors and officers, teachers of industrial and labor relations classes, and representatives of other educational and community organizations concerned in labor and adult education. The group therefore is made up largely of professional people who are interested in using the conference for the discussion of new developments in the workers' education field and the impact of economic and technical trends on their activities.

Your talk would form the basis for our discussion in workshop sessions of such questions as how to gain a better understanding of community attitudes about the labor movement and how to develop more effective programs in workers' education. It would mean very much to us to have you as our speaker and would help stimulate us to more effective thinking throughout the whole conference. We very much hope that you will find it possible to accept our invitation.

On Sunday morning, February 22, we plan to spend the last session of our conference on a discussion of community attitudes toward organized labor and how to effect better communication with other groups in the community. It is our hope that you would find it possible to remain for the Sunday session of the conference and participate in this panel.

Mr. Harold Fleming of the Southern Regional Council, who attended this conference two years ago, has told me that, should you care to have him do so, he will be happy to interpret our program for you and give further information about us.

Thank you for giving this request your sympathetic consideration. We shall greatly appreciate your interest in our program.

Sincerely yours,

Eleanor G. Coit
Director

egc/elb

American Labor Education Service

Bulletin

1776 Broadway New York 19, N. Y. CIrcle 5-9065

ELEANOR G. COIT, *Director* DECEMBER, 1958

Cincinnati and Communication

A hard-working committee organized the Greater Cincinnati Labor Education Conference which ALES co-sponsored, held September 6th. About 350 members of 74 local unions listened to A. J. Hayes, President, International Association of Machinists, give the keynote address, "Modern Society's Need for More Effective Communication and More Vital Community Relations." Touching on current issues in Ohio, he pointed out the need for working with all sections of the community in order to achieve labor's democratic goals. "We should be on the initiative," he said, "in demonstrating the importance of communication, not only within the labor movement but to society as a whole."

The Conference itself was an example of growing community relations for its planning committee and sponsors came from a cross-section of the merged labor groups in the Cincinnati area. Resources were drawn from union staffs, staff of AFL-CIO, and Ohio State, Xavier and Cincinnati Universities. For ALES, it was another major step ahead in the long-time program with Ohio communities. Groups all over the state have maintained and developed interests in both domestic and international issues. Conferences have become annual events, as it is expected the Cincinnati one will be, study trips have been made to the U.N. and several Ohio unionists have attended the annual ALES World Affairs School in New York.

Discussion groups had "expert" resources and gained life from the eager participation of the Conference members. Specific problems relating to the economic situation served as bases for consideration of the best ways to present labor's point of view to the community. These issues concern many people and groups and it is realized that some of them need clarification as well as exposition. Techniques of communication were discussed with faculty members, newspaper editors and union public relations officials.

James E. Fain, Executive Editor, *Dayton Daily News,* addressed the Conference with the conviction that "labor can, if it will, be a prime mover in creating a better nation." He emphasized that labor must think in "broad, mature, responsible terms" if it wants to put its message across and must relate its aims to those of other segments of society. "You can't expect non-members to care whether you get an extra nickel an hour unless they see you as a good social force." He also referred to the strong and vital interest labor groups have in community services.

The Conference was so successful and sparked such enthusiasm that it may well become an annual affair. The months of very skillful work by the Committee, under the chairmanship of Jim Wolfe, Director, Research and Education, International Union of United Brewery, Flour, Cereal, Soft Drink & Distillery Workers of America, were rewarding and resulted not only in the program sessions but in a very extensive amount of newspaper, radio and TV publicity. The Greater Cincinnati community showed its interest in developing the two-way street of communication and it is expected that several other cooperative projects will stem from this important beginning.

Human Rights and Freedoms

ALES held its Fifth Resident World Affairs School November 16-22. As in former years, the school was attended by trade unionists from many sections of the country and many local unions. Meeting in New York, the students followed a stiff study schedule as well as attended sessions of the United Nations General Assembly.

The chairman of the faculty of this year's School was Goodwin Watson, Professor of Education at Teachers College, Columbia University. Also teaching were persons well known to students of previous Schools, Saul Padover, Political Scientist from the New School of Social Research; Otto Klineberg, Professor of Social Psychology at Columbia University; Robert J. Blakely, Vice-President of the Fund for Adult Education; Bill Kemsley, Director of the New York office of the International Confederation of Free Trade Unions; and Clark Eichelberger, Executive Director, American Association for the United Nations. George M. Harrison, Representative to the U.N. and Vice President of the AFL-CIO and representatives from other nations also discussed certain issues of human rights.

This unique opportunity for American trade unionists to spend a week working together on world issues has always been a highlight of the ALES program. Past participants have frequently expressed their gratitude for the opportunity to learn about the background of current situations and to observe the processes employed to meet them. Many of these students have contributed to local study programs on world affairs, addressing meetings, and organizing groups for study and action on specific problems.

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White Collar Workers

The tremendous growth in the ranks of white collar workers in recent years, particularly among the professional and technical groups, has led to further consideration of their role in modern society. Many ideas for new educational programs and new groups to work with were discussed, and several projects have been launched in the past few months. Programs have been held in California, Massachusetts and New York to discuss basic economic questions as well as special subjects and to start a pilot study project.

Science and Technology

The Boston meetings on "Science and Technology in Modern Society" were organized with the M.I.T. Employees Union which had participated previously in summer Workshops. These technicians heard Victor Reuther, Assistant to the President, United Automobile Workers, and Al Hartnett, Secretary-Treasurer, International Union Electrical Workers, speak on "Labor Looks at Technological Progress" and "Technicians and Engineers in the American Labor Force." Discussion groups and a panel also dealt with several specific problems of technical workers in relation to the organized labor movement, procedures open to employed personnel, etc.

Gerard Piel, Editor, *Scientific American,* the banquet speaker, pointed out the important role scientific work has played in the development of the United States. He traced this to the interest of the Founding Fathers in science, experimentation, innovation, and their insistence on a political structure which would permit the individual freedoms necessary for discovery and development.

Simultaneously on the West Coast, 84 office workers were meeting to discuss the position of the white collar worker today. This conference brought together members of 11 local unions affiliated with the Office Employes' International Union; Street, Railway and Motor Coach Employees; American Federation of Government Employees, and the International Brotherhood of Electrical Workers. Leaders and resource people came from these and other unions representing white collar workers.

White Collar Workshops

The annual summer workshop saw two new projects initiated. Both drew new groups into the work but met their needs in different ways. Discussions with technical and professional personnel have suggested the need for study of social attitudes of the white collar group as a whole. Although a full-fledged study is clearly outside the scope of White Collar Workshops it did seem feasible to attempt a small pilot project with a selected group of workers. A committee under Caesar Guazzo, Director of Professional, Technical and Salaried Workers, District IV, I.U.E., developed a plan to use a questionnaire among technical workers which would reveal some attitudes towards their jobs, unions, education, etc., and would also indicate a general picture of white collar workers today. Five days of the summer workshop were used to train union members to do the interviewing.

The 20 men and women from 11 local unions devoted themselves to an intensive discussion of the place of white collar workers in the general economic picture, study of interviewing techniques and consideration and revision of the questionnaire prepared by S. Michael Miller of Brooklyn College. After some practice interviewing, the project became very real and the participants were eager to start in their own groups. The main purpose is to gather a sample of attitudes among their fellow unionists. However, it is also planned to reach some non-union members, particularly those working for companies which have unions as bargaining agents. The second phase of the project is now under way. When the questionnaires have been analyzed, it is expected that there will be further meetings of the workshop members to discuss the results and experiences gained.

Social Workers and Unionists

This project was followed on the Sarah Lawrence campus by a weekend institute which brought together 29 social workers—program staff, executives, teachers of social work—and local union leaders with experience in community work. They discussed among themselves and with expert resource persons, the nature and extent of unmet problems caused by extensive lay-offs and the ways organized labor and social workers can work together to meet these problems. Joel Seidman, Chairman, Social Sciences, The College, University of Chicago, presented the economic aspects of unemployment, and Wilbur J. Cohen, Professor of Public Welfare Administration, University of Michigan, dealt with the quality of social services now available.

Discussion groups provided the opportunity for these experienced union workers and social workers to consider the unmet community needs in the light of their own extensive backgrounds. It was exciting to see the quick relationships develop and the eager participation in discussions, both formal and informal. A final panel, which included students as well as resource persons, acted out an emergency meeting of union members and social workers, called by the community council to consider ways of meeting the problems created by the closing of a major industrial plant. This session demonstrated again the readiness of people of various backgrounds to work together on community problems.

The experimental Institute proved its value so conclusively that suggestions have been made for organizing similar programs in other parts of the country. These will provide the same opportunities for professional social workers and union members to meet together in an atmosphere that results in better communication and understanding between the groups and among the individuals. It was shown that exploration of a mutual problem leads to deeper appreciation of the role each group plays in its solution and to discovery of common goals. Quick recognition of the purposes of the project helped make this summer session of White Collar Workshops an exceptionally rewarding experience for all concerned.

Teachers and World Democracy

One of the annual Winnebago County, Illinois Teachers Institutes was organized this year by the local Teachers Union in cooperation with ALES. The discussions, attended by more than 400 teachers, centered around "Contributions of American Democracy to Freedom, Prosperity and Enlightenment at Home and Abroad." A one-day Institute can touch only upon some of the major points in this broad field. However, through using visual aids, also available to teachers for the classroom, it was possible to open several lines of thought. Saul Padover, writer and historian, presented a graphic picture of the historical development of education in the United States emphasizing its dependence on the American democratic system. Haridas T. Muzumdar, Indian born sociologist now teaching at Cornell College, Iowa, followed with comments on democratic developments in newly liberated countries of Africa and Asia. A panel led by Lillian Herstein, member of ALES Board of Directors, discussed what part the United States can play in meeting the world wide demand for education.

Community Projects

The City of Chester and Environs of Delaware County, Pennsylvania, was the scene of a three months project in the spring to study the impact of unions on the community. This area was selected for an ALES pilot project because it was the second in the country to develop a union sponsored community services program. This program was so outstanding and pioneered successfully in so many areas that it won widespread respect and Chester and Environs became the first place in the country to have a labor representative on the local community chest. In recent years the county population has grown very rapidly. The time was ripe for review of both well established activities and situations which need further consideration. The fact that the local labor bodies had recently merged suggested the appropriateness of a study involving leadership from many unions.

A program committee arranged a series of meetings to discuss the general economic situation, national, state, and local; the need for community cooperation in bringing new industry to the area; the work of the Delaware County Planning Commission; needs of the public schools, and many other problems involved in urban redevelopment.

The mainspring of interest in the discussion came from the Community Services Committee and the large group of CSC Counsellors. But local union officers, education committee members, and union stewards from 24 local unions participated in the discussions and evaluation session. The study program demonstrated that trade unionists have deep interest and sense of responsibility in their community and are willing to study the increasingly complex problems facing citizens today.

ALES also cooperated with the Delaware County Steel Conference in arranging an informal series of discussions among local steelworkers. The meetings held last spring considered several political and economic problems. These included local ones related to community planning and improvement; wage and price structure, particularly that of the steel industry; and finally comparison of U.S. and U.S.S.R. productivity and technology. All the sessions provoked lively and interested participation.

Much of what was learned in the Delaware County project is proving useful in the Louisville, Kentucky program which is still in the initial stage. Marie Algor, ALES field staff, is working with the local merger committee of AFL-CIO central bodies to develop an education

program on union-community relations and liberal education. The plan for about a year's study will permit broader and more intensive educational work. Louisville is a growing industrial city and provides many facilities for educational and cultural opportunities including a municipal university.

The Kentucky Federation of Teachers has asked ALES to cooperate in a workshop on December 6th. Dr. Saul Padover will be the main speaker on the challenge of "The Democratic Heritage in a Time of Crisis."

Farmers and Workers Meet

"Cooperation Through Understanding" was the theme of the seventh annual North Dakota Conference of Farmers and Workers, which ALES co-sponsored. The participants discussed the issues of prime concern to labor and agriculture in the state. They were particularly interested in exploring misconceptions each group may hold about the other, and through clarification, reaching better understanding.

Dr. Aaron H. Ihde, Associate Professor of Chemistry, University of Wisconsin, speaking on "Science and the Future," described the major scientific revolutions which have affected all human lives. All forms of work, including agriculture, have been changed by scientific and technological advances. He suggested that recent developments have led to the alternatives of wholesale destruction or plenty. If man chooses the latter, it can be achieved through cooperative efforts by all groups in society.

This Is ALES

The American Labor Education Service is a non-partisan voluntary agency supported by its members; individuals and trade unions. Believing that a free and democratic society rests upon the informed support of its citizens and their own organizations ALES develops educational programs with workers groups and provides services for local unions, and other groups interested in workers education.

Some of the recent activities are described in this *Bulletin* and many more are in the planning stage. Issues confronting our society today; economic development, technological change, world affairs, community structure, communication, need discussion and consideration.

At this time ALES is urging participants in its projects and all others interested in workers education to become members. This support is needed in order to continue the country-wide services.

Enclosed is $.....for membership in ALES, as checked.

INDIVIDUALS	☐ Regular	5.00
	☐ Active	10.00
	☐ Contributing	25.00 and upward
UNIONS	☐ Local	10.00
	☐ Joint Boards, Councils, etc.	25.00 and upward
UNIVERSITIES, LIBRARIES, ETC.		25.00

Enclosed is $.....as a gift.

NAME_____

ADDRESS_____

(Deductible for income tax purposes)

Notes on ALES Activities

Lawrence Rogin, Director, Labor Education and Services, Institute of Labor and Industrial Relations, University of Michigan-Wayne State University and formerly Educational Director of the Textile Workers Union was elected Chairman of the ALES Board of Directors at its May meeting. The Board also expressed its deep gratitude to the retiring Chairman, Miss Lucile Kohn who has contributed her wise and discriminating services to it for twenty-five years.

ALES staff has been busy as always supplying its services in many areas and to many groups. Recent cooperative ventures include planning and participation in a two-day conference of labor and consumer groups in Asilomar, California, on "Unemployment and the Consumer."

Chester Graham, Field Associate, taught a course on "The Workers Stake in World Affairs" at the Ohio AFL-CIO Summer School, held at Ohio University.

The Director has been active as chairman of a committee planning the Labor Education Section program for the Cincinnati conference of the Adult Education Association. She also took part in the Cincinnati sessions as a member of the Board of the Council of National Organizations and as a member of the AEA Delegate Assembly.

ALES arranged for 38 members of Steelworkers Local 2323 of Chester, Pa. to spend October 18th visiting the United Nations and meeting with Indian and Swedish trade unionists.

Calendar Ahead

Duluth trade unions are planning a two-day program in cooperation with ALES to consider "Labor's Stake in World Affairs." The main topics for discussion will include consideration of world trade and the role of the United Nations in foreign relations today These meetings are scheduled for January 24 and 25, 1959.

The role of science and technology in modern life will be the subject of the annual Cleveland Conference sponsored in 1959 by the Cleveland labor movement and ALES. The sessions will be held at the Carter Hotel on February 7 and 8.

The annual Washington's Birthday Conference of teachers and leaders in workers education will take place in New York City February 21 and 22. The impact of economic and social trends on various fields of study will be discussed as well as new approaches to educational work.

Foreign Visitors

Trade unionists continue to arrive from all parts of the world to study various aspects of the American labor movement and life. ALES sees many of these, particularly those interested in workers education. Some are met briefly by members of the staff while others turn to ALES for more extensive aid in planning itineraries, arranging introductions, etc. Several recent visitors have taken part in ALES programs such as the Cincinnati Conference attended by Miss Ragnhild Eriksen, Member of the Oslo City Council and Executive Committee of the Oslo Labor Party, and Mr. Brij Sekhri, President, Road and Building Workers Union, Delhi, India. Mr. Sekhri also went to the North Dakota Farmer-Worker Conference.

Miss Ebba Gullmar, Member of the Women's Council of the Swedish Confederation of Trade Unions made a six weeks trip throughout the United States arranged by ALES. Her schedule was developed in order to give time for observation and consultation in fields of special interest: workers education, women in industry and reading facilities for children. ALES takes this opportunity to thank the many people in New York, Chicago, Minneapolis, San Francisco, Boston and Washington who assisted Miss Gullmar in this study project.

In the spring, the staff was pleased to entertain a team of European trade unionists brought to the United States under the auspices of the European Productivity Agency and the U.S. Department of Labor. Other visitors who have consulted ALES about their work came from the West Indies, England, Norway, Denmark, Austria, Philippines, French West Africa.

Focus on the U.N.

The first issue of the newest ALES publication, *"Focus on the U.N.—Study Notes for Workers,"* was received with great enthusiasm last spring. This periodical is designed to assist workers' study groups interested in the United Nations by presenting brief summaries of some of the crucial issues before the international organization and other intergovernmental agencies. In addition, selected bibliography related to these issues is included. The second *"Focus on the U.N."* has been released. This deals with some of the items on the agenda of the General Assembly, including disarmament, control of space, atomic radiation, etc. *"Focus"* is available from ALES free of charge for up to five copies. In quantity, there is a charge to cover printing costs.

BULLETIN
AMERICAN LABOR EDUCATION SERVICE, INC.
1776 Broadway, New York 19, N. Y.

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1776 BROADWAY, NEW YORK 19, N. Y.

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January 12, 1959

Mr. Harold C. Fleming
Southern Regional Council
63 Auburn, N.E.
Atlanta 3, Georgia

Dear Mr. Fleming:

Thank you very much for your thoughtfulness in calling Mr. McGill about coming to our Washington's Birthday Conference.

I very much regret that Mr. McGill could not accept our invitation but we greatly appreciate your having approached him for us.

With kind regards,

Sincerely yours,

Eleanor G. Coit

Eleanor G. Coit
Director

egc/elb

February 10, 1959

American Foundations Information
Service
527 Madison Avenue
New York 22, New York

Gentlemen:

Please have this letter constitute our order for your recent offer of ten issues of the American Foundations News, September 1958 through June 1959. We would like the free supplement for the state of New York rather than the one for the state of Georgia.

Please bill us.

Sincerely,

Paul Anthony
Administrative Assistant

PA/mf

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NOTICE

The January, 1959, issue of AMERICAN FOUNDATIONS NEWS is devoted entirely to new and revised information regarding more than 650 foundations described in the New York chapter of AMERICAN FOUNDATIONS AND THEIR FIELDS VII (1955) and Supplements for New York.

Revised data regarding foundations described in the chapters or supplements for all states are reported monthly as obtained.

It is strongly recommended therefore that you do NOT continue to use your copy of the book and/or its Supplements without also consulting the NEWS, which is now available as follows:

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P.S. During 1958 the NEWS also reported specific grants totalling more than $360,000,000.

Material sent:
Jim Montgomery's talk
Dabbs' Interview
N. Y. Times reprint The Southern Negro...
Emory Professors's statement
Physicians' statement
Mininsters' statement (2nd)
The Easy Chair

March 12, 1959

Mr. Stuart E. Atkinson
1045 "S" Street
Gering, Nebraska

Dear Mr. Atkinson:

Thank you very much for your letter of March 7, 1959, and your kind comments about the Southern Regional Council and our work. We appreciate hearing from our subscribers.

Enclosed are several items which may be of interest to you.

Again thanks.

Sincerely,

John Constable
Director of Information

JC:lec
Enclosures

July 14, 1959

Mrs. L. E. Adair
1302 Elm View Avenue
Norfolk 3, Virginia

Dear Mrs. Adair:

Please accept my apologies for this delay in replying to your letter dated July 1.

We are well informed about the good work that has been done in Norfolk, and the financial needs that exist there. As you may know, Paul Rilling has just left the directorship of the Virginia Council on Human Relations to join our staff, and we have also been in communication with the Rev. James Brewer.

In order to simplify matters, we have asked Mr. Brewer to call you and pass along the gist of our recent exchanges of correspondence with him.

With every good wish, I am

Sincerely,

Harold C. Fleming
Executive Director

HCF/sl
cc: Rev. James Brewer

RECEIVED JUL 6 1959

July 1, 1959
1302 Elm View Ave.
Norfolk 3, Va.

Director
Southern Regional Council
Atlanta, Georgia

Dear Sir:

My husband and I are active members of the Norfolk Committee for Public Schools and at a recent Washington Seminar on Public Affairs of the YWCA I met Mr. Frederick Routh.

After his presentation of integration, I talked with him about the struggle the Committee was having in paying the lawyers for our case. We raise the initial amount quite quickly and successfully (about $8500.) But then both cases(against Governor and against City Council) were appealed. We need approximately $5,000 more. Mr. Routh said that he might have some possible leads of people or groups who might be receptive to a plea for help. I gave him the name of the current president, Dr. Forrest P. White. However, Dr. White informs me he has not heard from Mr. Routh.

I noticed in a news account recently that Mr. Routh was changing positions and leaving the Southern Regional Council. I feel this accounts for the fact that we have not heard from him. Is it possible that you could help us out?

We do feel that when we tested the Massive Resistance laws and the closing of public schools that we found an answer for more than just Norfolk. That we saved other communities from this battle. Maybe, some would agree and help us out financially if they knew we really needed it. I am enclosing a newspaper clipping about the recent decision in regard to the appeal. ~~The City Council finally have dropped their appeal.~~ The State finally dropped their appeal to Supreme Court

Thank you for considering this matter and if Mr. Routh is still at the office extend our best wishes to him as he ventures north.

Sincerely yours,

Margaret Adair

Mrs. L. E. Adair

Monday Afternoon, May 18, 1959 Dial Norfolk: MA 5-1431 30 Pages—Price Five Cents

Appeals Court Backs Norfolk Injunction

★ ★ ★ ★ ★ ★ ★ ★ ★

Says Council Cannot Halt School Funds

RICHMOND (AP)—The U.S. 4th Circuit Court of Appeals today upheld District Judge Walter E. Hoffman's order restraining the Norfolk City Council from withholding public school funds to avoid integration.

In a 15-page opinion written by Circuit Judge Morris A. Soper, the appeals court said it understood Hoffman's injunction was not a final adjudication, but "rather an order passed in an emergency to preserve the right of the plaintiffs to a public school education.

* * *

The court added:

"But in order that there may be no misunderstanding on this point and no interference with the rights and duties of the City Council in the execution of its powers, the judgment of the District Court will be affirmed and the case remanded for further proceedings, with direction to the court to retain jurisdiction of the case with leave to any party at any time to move for modification of the terms of the injunction."

The suit was instituted last Jan. 15 by a number of white children and their parents to prevent the closing of certain grades in Norfolk's public schools, which would have deprived more than 17,000 pupils of public education.

* * *

The complaint charged the City Council was engaged in an evasive scheme to nullify orders issued by the District Court or to be issued in a pending suit instituted in October, 1958. In that suit, some of the same plaintiffs challenged the constitutionality of some of Virginia's massive resistance school laws.

The suit against the City Council was heard on Jan. 26, shortly after the Virginia Supreme Court of Appeals knocked down the state's package of massive resistance laws. On the same day the state court acted, Hoffman announced the decision of a three-judge court in the other Norfolk suit, holding the state closure law unconstitutional.

* * *

All the pupils involved in the City Council suit were entited to enrollment in the schools to which they sought admission if the schools had been in operation. Three senior and three junior high schools had been closed in September, 1958, under the state school closure law.

On Nov. 25, City Council passed an ordinance providing that the appropriation for schools was made on a tentative basis and no part of funds appropriated would be available to the school board except as the City Council from time to time might authorize by resolution.

On Jan. 13, City Council adopted a resolution designed to close certain additional schools. This action led to the filing of the uit.

Appeals Court Backs Injunction

(Continued from Page 1)

In this connection, the court cited the decision of the U.S. 5th Circuit Court of Appeals in a case where a Negro teacher in Georgia sought a declaratory judgment and an injunction against Atlanta school officials prohibiting them from a salary discrimination aimed at Negro teachers.

"It was there held that the suit was not, either in name or in effect, a suit against the state of Georgia, forbidden by the 11th amendment," the 4th Circuit Court noted.

* * *

The appeals court said the district court was justified in its conclusion that the City Council action was taken as part of the plan of massive resistance adopted b ythe State Legislature in 1956 to retain public school segregation.

"A glaring inconsistency is manifest between the earlier action of City Council and that which was taken later when it became apparent that the plan of massive resistance had failed," said the appeals court.

It noted that on Sept. 30, 1958 City Council had declared that "it was necessary for the immeditae preservation of the public peace, property, health and safety of the city to provide for the daily operation of the public schools and that for this purpose the closed high schools should be immediately opened and operated, pursuant to the acts of the General Assembly.

"But on Jan. 13, 1959, when the decisions of the (state and federal) courts . . . were imminent, the City Council declared that it was necessary for the immediate preservation of the public peace, property, health and safety that all of the schools higher than the sixth grade be closed and that none of the funds appropriated therefore should be used for their maintenance and operation.

"The only reasonable explanation for this change of view is that the City Council, realizing that the general plan of massive resistance had failed, took steps to avail itself of the authority conferred by Section 22-127.1 of the Code to withdraw the appropriation it had already made and thus accomplish at least a part of the original plan."

The appeals court noted the council contended its action was not to evade constitutional prohibitions against segregation, but was taken because of serious doubts as to the extent to which the state's financial support of schools would be curtailed and in the genuine belief serious disorders would occur if the races were mixed in the schools.

"This testimony, however, is largely offset by the city's assumption of all the contractual obligations of the school board, which comprised 92 per cent of the total costs of operation, with the result that although all of the grades above the sixth would be closed, the teachers would continue to draw their salaries," the appeals court said.

"The excuse that the upper grades were closed in order to avoid violence and disorder is also frail, in view of the fact that desegregation of the lower grades was not contemplated. In any event, the excuse cannot prevail over the established rule that the preservation of the public peace cannot be used to justify the violation of constitutional rights . . . We are of the opinion that the judge's finding as to the purpose and effect of the ordinance was sustained by the evidence."

The appeals court disagreed with City Council's contention its action was a valid exercise of power to control the appropriation and expenditure of school funds.

* * *

Council did not confine itself said the court, "to the area of its discretionary power over appropriations. It went further and invaded the domain of the school board and attempted to exercise the power to operate the schools vested in the school authorities by the State Constitution when it took steps to bring about the closing of all school grades above the sixth in the city school system."

Noting the Virginia Supreme Court's holding that the General Assembly could not establish a school system divesting the local school authorities of power and control over local schools and placing such authority in the Governor and State Board of Education, the appeals court added:

"Much less can the City Council of Norfolk, notwithstanding its control of the purse, arrogate to itself the power to operate the public schools of the city."

Norfolk Injunction

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On Jan. 13, City Council adopted a resolution designed to close certain additional schools. This action led to the filing of the uit.

* * *

The appeals court opinion covered at length the steps leading up to the suit.

"The present case falls within the class of cases where a public officer or agent makes use of his authority to perform an illegal act by involving the command of an unconstitutional statute or seeks to carry out a valid statute in an unconstitutional manner," said the court.

"In such cases, it is held that his action is not the act of the state but the act of an individual, which may be restrained by the injunctive power of the federal court."

Continued on Page 4.

Appeals Court Backs Injunction

(Continued from Page 1)

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Correspondence -

WM. A. ADAMS
PASTOR
W. M. PATTERSON
CLERK OF SESSION

West Point Presbyterian Church
P. O. BOX 509
West Point, Georgia

R. L. ALTMAN
CHAIRMAN DEACONS
O. P. LINDSEY, JR.
SECRETARY & TREASURER

August 15, 1959

HCF

Miss Marge Manderson, Research Assistant
Southern Regional Council, Inc.
Room 432
63 Auburn Ave., N.E.
Atlanta 3, Georgia

Dear Miss Manderson:

I have received the material which you sent at Mr. Fleming's request and wish to thank you for making it available to me. Please convey my appreciation to Mr. Fleming for his help.

Sincerely yours,
Wm. A. Adams
Wm. A. Adams

Correspondence

August 13, 1959

The Rev. Mr. William A. Adams
Box 509
West Point, Georgia

Dear Mr. Adams:

Harold Fleming has asked this office to send you various materials on the progress of desegregation and the betterment of the Negro's economic and social position in the South. We are forwarding under separate cover:

1. A report, The Negro Voter in the South. Another report will be released early next month, and your name has been added to our distribution list.

2. The latest population figures we have - county by county, and in some instances for major cities - for the following states: Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina and Tennessee. We are able to furnish only state totals for Arkansas, Texas, Virginia and South Carolina. These are:

   Arkansas, 1950
   Total: 1,909,511; white 1,481,507; Negro 428,004
   (U. S. Census, 1950 - latest data in this office)

   Virginia, 1956
   Total: 3,799,174; white 2,981,893; Negro 817,281
   (Bureau of Population and Economic Research, University of Virginia.)

   Texas, 1956
   Total: 8,925,000; white 7,791,456; Negro 1,133,544
   (State of Texas Dept. of Health)

South Carolina, January 1, 1957
Total: 2,415,502; White 1,461,385; Nonwhite 954,117

3. Our most recently compiled listings of Negro office-holders and candidates for public office; a listing of desegregating colleges and universities.

4. A Health Information Foundation Report on "The Health of the Nonwhite Population." (For more detailed information you may wish to contact the U. S. Department of Public Health or the various state public health agencies.)

5. State by state comparisons of median per capita income and educational attainment, white and Negro (or, in the instance of education, nonwhite) - all 1950 census figures, unfortunately.

6. Several other printed and mimeographed reports we have here: "What the Supreme Court Said," "A Background Report on School Desegregation for 1959-60," and "The Southern Negro: Change and Paradox."

We are sorry not to be able to furnish information on several of the other topics which were of interest to you.

Sincerely,

Marge Manderson
Research Assistant

MM:a

MEDIAN SCHOOL YEARS COMPLETED, PERSONS 25 YEARS OLD AND OVER: 1950
(U. S. Census)

	White	Non-white
Alabama	8.8	5.4
Arkansas	8.7	5.6
Florida	9.6	5.8
Georgia	8.8	4.9
Louisiana	8.8	4.6
Mississippi	9.9	5.1
North Carolina	8.6	5.9
South Carolina	9.0	4.8
Tennessee	8.6	6.5
Texas	9.7	7.0
Virginia	9.3	6.1
United States	9.7	6.9

MEDIAN INCOME, 1949, PERSONS OVER 14 (U. S. Census, 1950)

Alabama	$ 1,455.	$ 616.
Arkansas	1,117.	487.
Florida	1,737.	847.
Georgia	1,515.	610.
Louisiana	1,767.	773.
Mississippi	1,236.	439.
North Carolina	1,567.	714.
South Carolina	1,684.	525.
Tennessee	1,374.	798.
Texas	1,754.	815.
Virginia	1,880.	917.
United States	2,053.	952.

"The Syntopicon"

P. O. Box #41444

BEN F. AMOS

Atlanta 2, Ga.

~~425 NORTH MICHIGAN AVENUE, CHICAGO 11, ILLINOIS~~

August 20, 1959

Mr. Ben F. Amos
P. O. Box 4444
Atlanta 2, Georgia

Dear Mr. Amos:

We have discussed the Syntopicon within the staff (one of whom is familiar with it, having used it), and have regretfully concluded that its use by this socialized organization would not be extensive enough to justify our purchasing it.

I was glad to learn more about the Great Books library and Syntopicon; perhaps at a later and brighter time I may become a personal owner.

Sincerely,

Harold C. Fleming
Executive Director

HCF/el

April 21, 1960

Mrs. Irene P. Abrams
44 West 10th Street
New York 11, New York

Dear Mrs. Abrams:

This is to thank you most warmly for your letter and to ask your pardon for this late answer, occasioned by a combination of illness and travel.

I am familiar enough with the racial situation in Northern cities to understand your feelings of frustration. It is one of our big problems in the South, I think, that the rest of the nation cannot approach our problems with more moral authority, because of the discriminations practiced there.

There are a good many organizations in New York that are actively concerned with the various phases of racial discrimination and segregation -- in housing, education, employment, and so on. I should think you would find it rewarding to learn more about such agencies and perhaps to become actively involved with one or more of them. Let me suggest, as a beginning, that you get in touch with the National Association of Intergroup Relations Officials (NAIRO), at 426 West 58th Street, Room 209, New York 19. NAIRO maintains a complete listing of intergroup relations organizations and would be glad, I am sure, to refer you to the principal

ones in the New York area. In this way, at least you will find others who share your concern.

With every good wish, I am

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf

New York City
April 3rd 1960

Mr. Harold Fleming
Atlanta

My dear Mr. Fleming —

I have just read your article in the magazine section of the New York Times — It prompts me to write to you, first to thank you for the article which I think is very fine —

I was born and reared in Savannah and lived part of my adult life in Brunswick (also Georgia) and have lived here about fourteen years —

During that time I have

wanted to do something more effective than I've been able to do — I meet, with opposition, the smug attitude of New Yorkers about "the negro problem in the south" as they like to refer to it — and until my recently they would not admit that there is violent prejudice here — yet at two luncheon meetings that I have been invited to, a negro at each meeting brought out into the light the jim crowism they had encountered in the housing situation — At one of these meetings

I discussed with a negro woman the way school children have to face being ostracized when they enter high school - She said that is one of the cruelest situations that they have to handle - I could go on and on - In fact, I've collected a number of stories that bring out the point that I want to make - That the camouflage behind which negroes here are deprived of their rights is appalling - Legally I'm sure the white citizenry is in his rights but were he not so protected, there

would be little difference in what goes on here and there - And what I so fervently wish is that some one would devote time and much of it, to impress upon the country that this is not a localized situation, that it exists here just as it exists there - in one case it is all a mishandled situation in the south, here we treat them as they should be treated. I'd like to write to the man who posed as a negro during a lantern trip and urge him to repeat the performance in the North and see if the identical thing would not

Laffen - I do not know where to reach him or I think I'd write to him tonight - I am just cross enough to do it -
Recently I contemplated moving from where I now live and friends who heard where I intended moving to would say "oh don't go to that neighborhood - negroes are invading it as fast as they can wedge in and when one or two

families manage it, the neighborhood is ruined" - and so on far into the night - But if you know anyone who would sympathetically understand and work on my phase of the problem, I'd be most appreciative if you would suggest it to me.

Sincerely
Irene P. Abrams

Mrs. Brooks Abrams
44 West 10th St. New York N.Y.

MF - Please send him our protest stuff

AFRICAN AMERICAN STUDENTS FOUNDATION, INC.
477 Madison Avenue, New York 22, New York • PLaza 2-2090

Sent 5/5/60

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Vice President
THEODORE W. KHEEL
Secretary-Treasurer

East African Office
P.O. Box 10818
Nairobi, Kenya

May 2, 1960

Mr. Harold Fleming
Southern Regional Council
Room 432
63 Auburn Avenue
Atlanta 3, Georgia

Dear Mr. Fleming:

I have just talked with Jack Greenberg at the Legal Defense and Education Fund concerning information on the student strikes in the South. I am collecting information about the extent of the situation: the number of students involved; the number of arrests; the amount of money needed; and other such information.

I am told that while there is no central source of such information, your organization has been putting out some reports in this regard and Jack suggested that I write you requesting what you have.

I will appreciate any information that you can send on to me.

Sincerely,

Frank C. Montero

Frank C. Montero, President

FCM:P

RIVERSIDE-SALEM UNITED CHURCH OF CHRIST

(EVANGELICAL AND REFORMED)

Garfield near Tonawanda Street

Buffalo 7, N. Y.

Robert T. Adams, Pastor
23 Calumet Place
Buffalo 7, N. Y.
Tel. Riverside 5772

May 24, 1960

23 Calumet Place
Buffalo 7, New York

TO: THOSE WHO HAVE BEEN CONCERNED AND HELPFUL
IN MY SEARCH FOR A NEW EMPLOYMENT CHALLENGE.

It is with real joy that I can announce that the Mayor of Kansas City, Missouri (His Honor H. Roe Bartle) has this day appointed me to fill the position of Executive Secretary of the municipal Commission on Human Relations, effective July 5, 1960.

I have submitted my resignations from the triple-pastorate in which I am now engaged, effective June 30, 1960, at which time we shall move to Kansas City.

May I express my sincere appreciation for the countless help which you have given during the past six months? I wish you well in your work, and hope that you might have occasion to visit us in our new home...the address of which is not as yet known. Letters addressed to the Commission Office in CityHall will be promptly delivered.

If I can be of assistance to you in any way, I hope that you will write or telephone so that I might return in kind the help which you have so graciously given me.

Sincerely,

Robert T. Adams

Robert T. Adams

June 28, 1960

Mrs. L. E. Adair
1302 Elmview Avenue
Norfolk 3, Virginia

Dear Mrs. Adair:

My apologies for not having written before, but I have been out of the office almost constantly since we met at Blue Ridge.

Here are a few names of persons whom you and your associates might want to consider as possible speakers:

Morris Abram, attorney, Healey Building, Atlanta. Chairman of the Mayor's Crime Commission, former candidate for Congress, member of the Atlanta Community Planning Council, board member of two large national foundations. A Rhodes Scholar, on the prosecutor's staff at the Nuremberg trials, and a native Georgia, Morris is deeply informed about race relations and is a brilliant speaker.

James McBride Dabbs, Mayesville, S. C. President of the Southern Regional Council, planter and writer, author of The Southern Heritage. In appearance, speech, and manner -- everything but racial views -- Dabbs is the very model of a Southern gentleman. He is a delightful and disarming speaker.

Marion A. Wright, retired attorney, Linville Falls, N. C. Past president, now vice-president, of the Southern Regional Council; a very eloquent and effective speaker, deeply informed about race relations. Mr. Wright takes a very strong and principled position on racial questions, and presents it with great skill.

Kenneth Morland, professor of sociology, Raldolph-Macon Woman's College, Lynchburg, Virginia. Morland is a sensitive student of the South, has been active in the Virginia Council on Human Relations, and has carried out race relations studies in South Carolina and Texas, as well as Virginia. He is one of those rare and useful people who bridge the gap between academic and action spheres. Teaching this summer at the University of Georgia.

I hope these suggestions will be of some help.

Cordially,

Harold C. Fleming
Executive Director

HCF/mf

October 12, 1960

Via Air Mail

Mrs. Barr H. Attaway
6217 Tidewater Drive
Norfolk 9, Virginia

Dear Mrs. Attaway:

I hope you will forgive my delay in answering your letter of October 5. I have been in California a week and returned to the office just today.

We are indeed anxious to be of service in connection with your important Community Understanding Conference. I have taken the liberty of consulting Mr. Dan Bowers, director of the Virginia Council on Human Relations, who works closely with us and is well informed concerning speakers in the state of Virginia.

We passed on a number of suggestions to Mr. Bowers and he has agreed to get in touch with you by telephone concerning the matter. I believe that Mr. Bowers, being in Virginia, can work with you more closely than we can from Atlanta. Needless to say, you should feel free to call on us again if you and Mr. Bowers are unable to solve the problem.

Sincerely,

Harold C. Fleming
Executive Director

HCF/sm

See it for reply in Daily file of Oct. 10-14, 1960

RECEIVED
OCT 7 1960

6217 Tidewater Drive
Norfolk 9, Virginia
October 5, 1960

Harold C. Fleming, Executive Director
Southern Regional Council
Room 201, 5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Mr. Fleming:

Help! We need your help.

You may recall that Margaret Adair talked with you once during the past summer regarding the Community Understanding Conference begun here in 1957 and held annually since then. (I think she saw you at a YWCW Conference.) To review it briefly for you, however, will enable you to understand the assistance we need.

These conferences are an attempt on the part of the sponsoring organizations,

Norfolk Council of Church Women (Protestant)
Tidewater Deanery of Catholic Women
Norfolk and Phyllis Blackman Chapters of B'nai B'rith
Young Women's Christian Association
Unitarian Women's Alliance,

to stand publicly united on the importance of the need for human understanding. In a sense, the program each year has been an exploration of some facet of prejudice.

Former speakers are Grillett Simpson, Chancellor of Mary Washington College in Virginia; Dr. Kenneth Haddock, Virginia State Senator of Richmond; and Dr. Thomas Pettigrew, Harvard Professor.

The 1960 conference will be held at the YWCA from 9:30 A.M. to 12:30 P.M. on December 9th. We have already secured a Panel of Americans group from New York to participate in the program. I am sure you are familiar with these panels operating out of about 25 colleges and universities.

But to round out our 1960 program, we wish to present an outstanding Southern personality, one who has the outlook of a sociologist. His task on the program would be to laud the heritage that is ours as Americans, and then to softly tie that heritage to the challenge raised by the panel.

We have already asked, and been necessarily refused by, the following: Dr. Kenneth Morland, Colgate W. Darden, Ralph McGill, William B. Hartsfield, and Morris Abrahms. Each was interested in our conference, but unable to make the date of Friday, December 9th.

Can you do anything immediate to help us? This speakers expenses will be paid by us through the registration fees paid by those attending ---- approximately two hundred people. There are no other funds behind this community effort, but we think it is enough akin to the purposes of your SRC that you will want to help us, not financially, just to "nail down" a speaker who can come. We will welcome any questions from you, and we will be most indebted to you for any help you can give. Feel free to call me collect at my home after 5 P.M., if you can speed up things thereby. The number is MADISON 5-1868.

Sincerely yours,

Dorothy H. Attaway

(Mrs. Barr H. Attaway)
1960 Chairman, Community Understanding
Conference Committee

October 28, 1960

Allied Youth, Inc.
1346 Connecticut Avenue, N. W.
Washington 6, D. C.

Dear Sir:

Mr. Ray Warwick is no longer with the Council. The editor of NEW SOUTH is John Constable.

We are enclosing a card giving our new address.

Sincerely,

(Miss) Inel E. Cummings
Secretary to the Editor

Encl.

(To be routed in order numbered)

Date 1/27/61

PLEASE CHECK, DATE AND FORWARD

1 HCF ✓

2 PA ✓

MA

3 LWD ✓

4 MM

EW

SM

5 PR ✓

6 JC ✓

LEC

7 MET ✓

BC

RHA

PP

WF

8 MF

9 FILE

AMERICAN FOUNDATION FOR CONTINUING EDUCATION
19 SOUTH LA SALLE STREET • CHICAGO 3, ILLINOIS • ANdover 3-5540

January 12, 1961

ANNOUNCEMENT OF NEW GRANT

I take pleasure in announcing the receipt of a $300,000 grant from the fund for Adult Education. This grant is given to the AFCE to enable it to function during the next five and a half years as a center of information about liberal education for adults through study-discussion and as a center for promotional help and leadership training. The Foundation will continue to develop its own discussion materials and make them available to the field.

In addition, in order to provide one central place of information, the Fund is turning over to the AFCE the rights to those study-discussion programs which have been developed for or by the Fund during the past decade. Many of these programs have been or shortly will be published by various commercial publishers. The Foundation intends to issue regular newsletters containing the latest information about all aspects of study-discussion, including up-to-date information on the availability of programs from commercial publishers, universities and all other sources. Enclosed is a copy of the most recent News Digest distributed by the Fund for Adult Education which explains the current status and availability of those study-discussion programs in general use.

The AFCE will continue its present activities of preparing and conducting special programs of liberal arts and politics for business, trade union and national organization groups, and governmental agencies, of preparing materials in the new science series and of assisting organizations and agencies of all kinds with leadership training and promotion.

We look forward to a continuing association with those sponsoring institutions and organizations, private groups and discussion leaders with whom we have been working since 1947. We will welcome your comments and suggestions on any and all aspects of our work.

Jerome M. Ziegler

Executive Director

news digest

FAE

December 28, 1960

$300,000 FUND GRANT TO THE AMERICAN FOUNDATION FOR CONTINUING EDUCATION. The American Foundation for Continuing Education, 19 South La Salle Street, Chicago 3, Illinois, has received a grant of $300,000 from The Fund for Adult Education, to enable it to function as a national center to advance the liberal education of adults through study-discussion groups. This represents a total of one and one-half million dollars thus far given the Foundation by The Fund for Adult Education over the past nine years. In addition, the Fund will transfer to the Foundation ownership of certain contractual rights in published and other study-discussion programs developed by the Fund.

In announcing the grant, C. Scott Fletcher, President of The Fund for Adult Education, said that a decade of intensive experimentation had demonstrated that study-discussion programs for adults led by trained lay leaders was one of the most effective ways by which high-quality learning experiences could be offered to large numbers of adults by educational institutions and organizations. Study-discussion, which consists of small groups studying specially prepared or selected materials under carefully trained lay leadership, has not only proved its worth as a method of learning, he said, but it has been shown to be uniquely adapted to the needs of American society because it develops and sharpens the skills that are essential to self-government.

Effective January 1, 1961, as a result of this grant, the American Foundation for Continuing Education will assume all responsibility for all study-discussion in the liberal arts activities heretofore carried on by The Fund for Adult Education. Furthermore, as of this date, the Foundation will act as a clearinghouse on all aspects of study-discussion, and particularly on the current status of program materials developed by the Fund and others over the past years.

The grant, to cover a period of five years, will be used to enable the Foundation to expand development of its own study-discussion programs, to aid in the training of discussion leaders, to advise institutions of higher education, organizations, professional, civic and membership associations of all kinds, and governmental agencies on the creation of study-discussion programs, and, in general, through research and experimentation, to promote a better understanding of the value and use of study-discussion nationally.

The American Foundation for Continuing Education was founded in 1947 to "promote the continuing education of adults in those fundamental ideas that influenced the nature of American society and that determined the quality of our lives as individuals, as citizens, and as productive members of the economy." During the past three years the Foundation has worked closely with business, labor and government to develop programs that will help prepare executives for positions involving broad social responsibilities.

STATUS OF CURRENT PROGRAMS

As our readers already know, the Fund has been making arrangements with publishers for the commercial publication of many of its programs to insure their permanent availability and their widespread distribution. At the present time there are three programs available from commercial publishers:

AGING IN TODAY'S SOCIETY. Prentice-Hall, Inc., Englewood Cliffs, New Jersey. Prepared under the direction of Clark Tibbitts and Wilma Donahue; edited by John Walker Powell. $6.00 per copy.

OUR COMMUNITY. New York University Press, 32 Washington Square, New York. Edited by Dorothy and Curtis Mial. $5.00 per copy.

EXPLORING THE WAYS OF MANKIND. "Adult Education Edition." Holt, Rinehart and Winston, Inc., 383 Madison Avenue, New York 17, New York. Edited by Walter Goldschmidt. $4.75 per copy.

All the publishers will allow a 20% discount on orders for ten or more copies, provided it is indicated on the order that the copies are for adult study groups.

The American Foundation for Continuing Education will distribute the Fund programs in addition to its own Case Studies. Materials formerly available from the Foundation and now published and distributed by Oxford University Press, 417 Fifth Avenue, New York, are:

READINGS IN WORLD POLITICS - $2.25
READINGS IN AMERICAN FOREIGN POLICY - $2.75
READINGS IN RUSSIAN FOREIGN POLICY - $2.75
READINGS IN AMERICAN DEMOCRACY - $2.25

ECONOMICS AND POLITICS will be published by Oxford, probably in March.

Fund for Adult Education programs now to be obtained from the American Foundation for Continuing Education are:

DISCOVERING MODERN POETRY (until a revised edition is published by Holt, Rinehart and Winston, Inc.) Contains: Basic Text and Pocket Book of Modern Verse, The Wasteland and Other Poems, Some Suggestions About the Discussion, Set: $3.00.

ECONOMIC REASONING. Book of Readings, and Notes for Group Participants and Leaders, Set: $2.50. Supplementary Readings Packet, $1.00.

GREAT ISSUES IN AMERICAN POLITICS. Basic Text and Suggestions for Discussion, Set: $2.75.

AN INTRODUCTION TO THE HUMANITIES (until the publication of AVENUES TO THE ARTS). Basic Text and Book of Readings (1 volume) and Painting and Architecture Supplement, Set: $3.50. Guide for Discussion Leaders, $1.00.

JEFFERSON AND OUR TIMES. Basic Text and The Jeffersonian Heritage, Set: $2.75.

LEADING GROUP DISCUSSION. Basic Text and Supplementary Readings, with Suggestions for Leaders, Set: $2.00.

LOOKING AT MODERN PAINTING (until the publication of the commercial edition by W. W. Norton and Company). Basic Text and Suggestions for Discussion, Set: $4.50. Discussion Leader's Guide, $1.00.

PARENTHOOD IN A FREE NATION (until published commercially). Basic Text: Manual for Participants and Leaders and Basic Readings, Set: $2.75.
Middle Childhood Course, $2.00 each.
Later Childhood Course, $2.00 each.
Adolescence Course, $2.25 each.
Supplementary Readings, $6.50 per set.

POWER TO GOVERN. Basic Text, $2.50 each. Notes for Discussion Leaders, $1.00.

TRANSITION AND TENSION IN SOUTHEAST ASIA. Basic Text, $2.50 each. Discussion Leader's Guide, $1.00. Wall Map of Southeast Asia, $1.00.

WAYS TO JUSTICE, Basic Text, $2.00 each.

A 20% discount will be allowed on orders for ten or more copies.

The audio-visual materials designed to accompany the Fund's discussion materials are distributed solely by the Audio-Visual Center, Indiana University, Bloomington, Indiana. They include the following:

AGING IN TODAY'S SOCIETY - 10-inch record; "The Many Lives of J.Q.P." 10-min. kinescope; "Aging-Modern Social Achievement" - color film. "The New Prime of Life" - 10-min. kinescope.

DISCOVERING MODERN POETRY - Album of two 12-inch recordings.

EXPLORING THE WAYS OF MANKIND - Album of 10 recordings with questions for discussion.

GREAT ISSUES IN AMERICAN POLITICS - Film (25-min. 16mm. - "The State and the Nation."

AN INTRODUCTION TO THE HUMANITIES - Album of two 12-inch home study records; One 10-inch record for discussion.

JEFFERSON AND OUR TIMES - Album of five records.

LOOKING AT MODERN PAINTING - Set of 46 slides (mostly color) of significant modern paintings.

OUR COMMUNITY - Album of two records; Film (25-min. 16mm) - "Three Steps to Start."; Four Filmstrips.

THE POWER TO GOVERN - One 12-inch recording.

WAYS TO JUSTICE - Album of three records.

We are pleased that the American Foundation for Continuing Education will assume responsibilities the Fund has borne in the past for study-discussion, and we are confident the Foundation will enjoy, as we have, an association with you in what we believe to be one of the most important ventures in adult education.

April 6, 1961

Professor Virgil C. Stroud
Professor of Government
A. & T. College
Greensboro, North Carolina

Dear Professor Stroud:

This is in reply to your request of April 3, 1961. You have my permission to use the quotations cited from my article, "A Southern View of the South," in the New York Times Magazine of April 3, 1960.

I assume that you have obtained the permission of the Magazine; in any case, that should present no difficulty.

With every good wish,

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf

A. & T. College
Greensboro, N. C.
April 3, 1961

Mr. Harold C. Fleming
Executive Director
Southern Regional Council
Atlanta, Ga.

Dear Mr. Fleming:

The undersigned is compiling a commentary on the Sitdown Movement in the South. To this end, permission is hereby requested to quote you as indicated below.

An early reply would be appreciated.

Yours very truly,

Virgil C. Stroud

Virgil C. Stroud
Professor of Government

From: "A Southern View of the South," New York Times Magazine, Apr. 3, 1960.

"The disturbances of the past few years are symptomatic not of regression but of forward movement, bitterly contested but inexorable . . . the South's troubles are not caused by a resurgence of an old order; they are the results of an old order's last desperate rally against new forces it can neither understand nor control."

"Outworn patterns of decision-making and political power have still to be re-shaped to dramatically changing circumstances."

"Such opportunities for Negroes simply did not exist."

September 1, 1961

Mr. Ivan Allen, Jr.
60 Peachtree Street, N.E.
Atlanta 3, Georgia

Dear Mr. Allen:

Thank you for sending me a copy of the "Preliminary Statistical Study of Little Rock and New Orleans Business Progress". It is a sound piece of work.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD:mbb

bcc: Benjamin Muse

Campaign Headquarters
60 Peachtree Street, N. E.
Atlanta 3, Georgia

Telephone JA. 5-7434

IVAN ALLEN, JR.

Candidate for

MAYOR OF ATLANTA

August 23,1961

Dr. Leslie Dunbar
Southern Regional Council
5 Forsyth Street N. E.
Atlanta, Georgia

Dear Dr. Dunbar:

I thought you might find this material valuable.

The research for it has just been completed.

Sincerely,

Ivan

Ivan Allen, Jr.

IAJr:jf

September 13 Primary

SRC

October 4, 1961

Mr. Sam Goldberg
Allan-Grayson Realty Company
40 Pryor Street, S. W.
Atlanta, Georgia

Dear Mr. Goldberg:

Some time ago we heard a rumor that a prospective tenant was offered space at 5 Forsyth Street on the condition that they use the bath rooms located within our space on the second floor. We were pleased that no one approached us on the matter and preferred to think that, naturally, we did not figure into any considerations between prospective tenants and Allan-Grayson.

Today, however, we have been called by a news reporter to determine the "nature" of our rest rooms and whether or not anyone had refused to share such facilities with us. We informed him that the Council selected space which had facilities within its own area. This was done, we stated, because our staff was sufficiently large to justify such an arrangement and because we specifically did not want this problem to arise. By mutual consent a clause to this effect was inserted in our lease.

We assume that your interpretation of this situation is the same as ours. Certainly, we are aware of the factors that had to be taken into consideration at the time this arrangement was made, and we are both grateful and pleased that such a satisfactory arrangement was possible.

I am sure you can understand our reluctance to be placed in a position of having to allow or refuse others the use of facilities which we went to some lengths to acquire to avoid any difficulties. And, of course, we are very anxious that the Council not figure in any publicity or debate which others may choose to have.

Sincerely yours,

Paul Anthony
Executive Assistant

PA:mbb

American Association of Retired Persons
National Retired Teachers Association

SUITE 419, DUPONT CIRCLE BUILDING • WASHINGTON 6, D. C. • DECATUR 2-7836

PRESIDENT Ethel Percy Andrus
EXECUTIVE DIRECTOR William C. Fitch
DIRECTOR OF SERVICES Ruth O. Lana

July 31, 1962

RECEIVED AUG 2 1962

PA
phy

Mr. Leslie Dunbar
Executive Director
Southern Regional Council
5 Forsythe Street, N. W.
Atlanta, Georgia

Dear Mr. Dunbar:

Last week I had a chat with Whitney Young, seeking his advice on some problems we are having with conference planning. He suggested that I get in touch with you.

Very briefly, we are a national organization of older persons, and have a total membership of over half a million. We have nine geographic areas and are starting a program, in 1963, of having a conference in each area in each odd numbered year. We want to schedule these conferences in cities where an open policy is in effect with reference to our Negro members.

Whitney says you have compiled a list of such cities, and of specific hotels, where such a policy applies. Would it be possible for you to send us such a list?

Thank you for your cooperation.

Sincerely yours,

David Jeffreys

David Jeffreys
Director of Field Operations

American Association of Retired Persons

SUITE 419, DUPONT CIRCLE BUILDING • WASHINGTON 6, D. C. • DECATUR 2-7836

PRESIDENT
Ethel Percy Andrus

EXECUTIVE DIRECTOR
William C. Fitch

DIRECTOR OF SERVICES
Ruth O. Lana

August 16, 1962

Mr. Paul Anthony
Executive Assistant
Southern Regional Council, Inc.
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Mr. Anthony:

Thanks for sending us the list of integrated hotel facilities. It would be most helpful if you could keep us advised of any changes or additions.

For your information, the Jack Tar Harrison Hotel in Clearwater, Florida now admits integrated convention groups. I verified this by a personal visit to the hotel. We have scheduled a six state meeting there for late November.

Sincerely yours,

David Jeffreys
sm

David Jeffreys
Director of Field Operations

file
Amer. Assoc. of
Retired Persons

August 3, 1962

Mr. David Jeffreys
Director of Field Operations
American Association of Retired Persons
National Retired Teachers Association
DuPont Building - Suite 419
Washington 6, D. C.

Dear Mr. Jeffreys:

In Mr. Dunbar's absence, enclosed is the requested list of integrated hotel facilities in the South. Those listed under "meetings" offer meeting arrangements only, no regular guest facilities. Those under "regular guests" in each instance presumably offer all normal hotel services to all guests.

For your purposes I suspect you will probably find the following cities best suited if they coincide with your area needs: Miami Beach, Florida; Louisville, Kentucky; Oklahoma City and Tulsa, Oklahoma; Gatlinburg, Tennessee; Houston, Texas; Richmond and Williamsburg, Virginia.

Please call on us if we can be of additional help.

Sincerely,

Paul Anthony
Executive Assistant

PA:nm
Enclosure

UPDATED COPY UNDER CURRENT HOTELS in BP's desk

Hotels Accommodating Nonwhite Guests

(Where hotel names are not given, informants did not supply them)

STATE	MEETINGS	REGULAR GUESTS
ARKANSAS		Little Rock (so far only African guests)
FLORIDA	Miami	Miami Beach (Most) Hollywood
	Jacksonville (Hotel Seminole)	
GEORGIA	Atlanta (Biltmore & Dinkler Plaza)	Peachtree Manor
LOUISIANA		New Orleans (Airport Hotel)
KENTUCKY		Louisville (All) Berea Mammoth Cave
NORTH CAROLINA		Greensboro (Holiday Inn) Durham (Jack Tar, Holiday Inn & Washington Duke Chapel Hill (Carolina Inn)
OKLAHOMA		Oklahoma City (All) Tulsa (All)

Hotels Accommodating Nonwhite Guests (cont'd)

STATE	MEETINGS	REGULAR GUESTS
TENNESSEE	Memphis (Some) Nashville[1] (Albert Pick - 320 Murfreesboro Rd., and Holiday Inn - Holiday Inn - 1800 West End Ave.) At Nashville also, the Hermitage and Andrew Jackson hotels take large dinner meetings and act as conference headquarters.	Gatlinburg (All) Johnson City (Inns of America) Memphis[2] Oak Ridge (Holiday Inn) Townsend[3] (near Gatlinburg)
TEXAS	Austin	Dallas (Hilton) Houston[4] (Rice, Shamrock-Hilton, Lamar, Texas State and Ben Milam)
VIRGINIA		Richmond (Jefferson, John Marshall, & Richmond) Roanoke (Roanoke Hotel) Norfolk (Golden Triangle) Williamsburg (All)

[1]These motels are open to biracial conferences where reservations are made by parent body in advance, or through government request.

[2]Some hotels will take overnight Negro guests as part of a convention but they do not eat in main dining room or have full use of hotel.

[3]Fully open to conventions and conferences.

[4]As of March 22, major hotels adopted new policy: anyone admitted with an advance registration; any conventions admitted provided whites outnumber Negroes.

a-gen
MS

August 16, 1962

Mrs. Raymond Anderson
616 Eagle Bend Road
Clinton, Tennessee

Dear Mrs. Anderson:

We don't have the exact information you need since the matter is still unsettled. However, enclosed are copies of several articles which may be of some help.

It is good to hear from you again.

Sincerely yours,

Paul Anthony
Executive Assistant

PA:nm
Enclosure

616 Eagle Bend Road
Clinton, Tennessee
August 12, 1962

Dear Mr. Anthony:

I am working on a paper to present to a group of teachers at the Maryland State Teachers Convention in Baltimore in October and find myself in need of some statistics.

I am wondering if the Southern Regional Council has in its files any figures on the number of Negro children expected in white schools this coming year; and also what portion of the Negro school-age population does this represent? This may sound rather vague but I am trying to get one statement to show where we stand now in numbers in proportion to what is to be done.

If you do not have this information at your fingertips, please don't bother about it; but it just occurred to me that you might have it.

With best wishes to you in your work,

Sincerely,
Margaret Anderson
Mrs. Raymond Anderson

Mr. Paul Anthony
Executive Assistant
Southern Regional Council
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Oct. 1962

A STATEMENT FROM THE ALBANY MINISTERIAL ASSOCIATION

Whereas, the Albany Ministerial Association remains sensitive to the continuing problems in the realm of human relationships and is conscious of its responsibility to provide leadership in this realm,

Therefore, Be it resolved that the Albany Ministerial Association set forth the following Christian Principles and Propositions for consideration, and for concerted action by the citizens of our community.

1. CHRISTIAN PRINCIPLES

   The Word of God, which the church confesses and which we proclaim, reveals the judgement of God upon sinful man, and sets forth the power of the love of God to redeem him. God, the Creator and Ruler of all mankind has placed us in community. Racial strife, intimidation of citizens and such acts as the burning of churches are evidences of a community's torn fabric and moral sickness. In these circumstances the people of God must penitently seek to know and to follow His will, trusting in the power of His love to redeem sinful men and to reconcile broken relationships.

2. PROPOSITIONS FOR ACTION

   In the light of these concepts of God and man, certain propositions are appropriate for us and for people of all races, at this time.

   (a) <u>Acknowledge Our Sins</u>;

   We must begin where we are in repentance, seeking redirection and renewal of heart and mind by God. Discord and hardship resulting from racial and cultural practices must be faced before God. The unacknowledged sins of pride, prejudice, fear, jealousy, hatred and enmity have added a great moral peril to our present situation. Unreasonable demands and unwillingness to cooperate have created unholy causes and crisis.

(b) Accept Our Responsibility:

Each one must realize his responsibility to God for his actions which affect the community. Each must examine his words and deeds in the light of God's commands. As citizens and as officials, we share in the obligation to make our laws and practices conform to our Father's will, taking into consideration the needs and the abilities of each part of our society. Authorities are due respect and support from the people, while the people are due constructive leadership and planning from the authorities. While change is always necessary in creating a better and more perfect social order, such change must be sought through the orderly processes of law.

(c) Open Avenues of Communication:

The great tragedy of our present situation is that there is no real discussion of the issues involved except within separated racial groups. In these circumstances it is inevitable that misunderstandings will continue and that suspicion and distrust will increase. We believe that it is imperative that both races have a willingness to discuss our problems across racial lines, and to understand each other's positions. We believe that only the truth should be made known to the people of our community. It is only as we approach our problems in the spirit of mutual respect, of charity, and of good will that we can hope to understand one another, and to find God's solution of our problems. It is appropriate, therefore, that we each approach this task in a spirit of humility, of penitence and of prayer. Therefore, it is necessary again that the people of this community be called to pray earnestly and constantly that God will give us wisdom to understand.

Issued late Summer, 1962, after "the outsiders" had left Albany.

Dunlap

Jim Atkins
~~200 East~~ 36th Street
New York 16, New York
(MU-4-0998)

RECEIVED
JUN 5 1963

1964 ELECTION QUESTIONNAIRE

(I am writing an article on the South and the 1964 election. I will appreciate your cooperation in filling out the questionnaire. A stamped, addressed envelope is enclosed. If you do not want to be quoted, say so at the end of the questionnaire. If you would like a summary of my findings, also make such a request at the end of the questionnaire. I will be interested in any comments you may have on Southern politics. This questionnaire has been sent to Southern office holders, newsmen and others who can speak with authority on Southern politics.)

1. Do you think Kennedy will win in the South in 1964? Why?

2. How long do you think it will be before you have two-party politics in your home state?

3. Do you think Goldwater can sway Southern Democrats to vote Republican, as a candidate, or as a campaigner?

4. What part does the Negro vote play in state-wide elections in your state?

5. To what do you attribute the Republican gains in the South? In your home state?

6. What can a candidate do, in your opinion, to become more popular in the South?

7. Will you campaign for a presidential candidate? If so, whom?

8. Do you think that primary emphasis on race issue in South has produced a harmful effect on national politics?

9. Do you think the South could decide the 1964 presidential election? Can you elaborate?

10. I would like any other comments you may have on 1964 campaign.

(the end)

See Crawford letter of Oct 1963

October 14, 1963

The Honorable Ivan Allen, Jr.
Mayor
City of Atlanta
City Hall
Atlanta, Georgia

My dear Mayor Allen:

Thank you for your letter of October 9. I sent you, last week, a copy of a letter I had written to Mr. Walter Crawford. As reported in it, we were able to make arrangements at Howard Johnson's South, and will have our meeting in Atlanta. This was a happy outcome, but still a small step.

With very best wishes,

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj

CITY OF ATLANTA

IVAN ALLEN, JR.
MAYOR

October 9, 1963

Mr. Leslie W. Dunbar,
Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Mr. Dunbar:

I have read carefully your letter of September 27th addressed to the President of the Atlanta Chamber of Commerce. It is indeed regrettable that arrangements could not have been made for this meeting.

This matter is of continuous concern to me and I am following through on it closely.

Sincerely yours,

Ivan Allen, Jr.,
Mayor

IAJr/br

free
"A" gen. carry.

The Washington Chapter
of the
American Veterans Committee
requests the pleasure of your company
at its
14th Bill of Rights Award Dinner
honoring

THE HONORABLE RICHARD BOLLING
U.S. House of Representatives
Fifth District, Missouri
Former National Vice Chairman,
American Veterans Committee

BERL I. BERNHARD
Former Staff Director,
United States Commission on Civil Rights

TILFORD E. DUDLEY
Director, Speakers Bureau, AFL-CIO
Chairman, District of Columbia Citizens
Advisory Council

THE REVEREND WALTER E. FAUNTROY
Regional Representative, Southern Christian
Leadership Conference

PHINEAS INDRITZ
Special Counsel, American Veterans Committee

Toastmaster
ROBERT R. NATHAN
Member, AVC National Advisory Council

Saturday, March 7th, 1964
Ambassador Hotel

Reception 6:30 p.m. Informal Dinner 7:30 p.m.

WASHINGTON CHAPTER

AMERICAN VETERANS COMMITTEE (AVC)

FRANK E. G. WEIL, *Chairman*

ANDREW E. RICE, *Vice Chairman*

ANN EWING MCCARTHY, *Secretary*

ABRAHAM A. RAIZEN, *Treasurer*

Members, Executive Committee

E. Wayles Browne, Jr.
Phineas Indritz
George Kaplan
Stanley Karson
Harry V. Lerner
Theodore A. Miller
Matthew Mitchell
Benjamin S. Neufeld
Raymond D. Watts
Ivor Wayne

BILL OF RIGHTS DINNER COMMITTEE

Benjamin S. Neufeld, *Chairman*

Attendance

H. Don Cummings
Theodore A. Miller

Publicity

Albert Mark

Program

Andrew E. Rice

John D. Fauntleroy
Gerald R. Gereau
Robert D. Greenburg
Peter W. Hirsch
George Idelson
Ann Ewing McCarthy
John S. Stillman
Richard B. Tourkin
David van Tijn
Frank E. G. Weil

File: "A" - gen. corresp.
cr. ref. "L" - gen. corresp.

via air mail special

April 7, 1964

Mr. Walter Lawton
The American Ethical Union
2 West 64th Street
New York 23, New York

Dear Mr. Lawton:

Thank you for your letter of March 26. We are greatly in your debt for both your present and proposed programs in the South. My first reaction to all of the programs suggested in your letter is that they are valuable indeed.

I would hope that we would have a chance, however, to discuss these things with you. And here we confront the seemingly inevitable problems of schedule. I doubt that I shall be in Atlanta when you are here on April 16 and 17. I believe, however, that something may still be worked out.

I shall be going to New York next week; arriving Sunday night, April 12, and staying on most or perhaps all of the week. Paul Anthony, who is our Director of Field Activities, whom I would certainly want you to see anyhow, will be here, and will be free on the morning of the 16th. During the afternoon of the 16th and the morning of the 17th the Southern Interagency Conference will be having its quarterly meeting, using our conference room. You might find this an interesting meeting to attend, and I am sure the representatives of the

other agencies, which include practically all those doing human relations and civil rights work in the South, would be pleased to have you present.

The possibilities then seem to be several: if you are in New York earlier in the week perhaps you and I could get together there; I shall be staying at the Park Sheraton Hotel. I may be back in Atlanta while you are here. Paul Anthony will be here until noon on the 17th when he leaves for Washington.

With all best wishes,

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj

THE SOUTHERN REGIONAL COUNCIL

THE AMERICAN ETHICAL UNION
a federation of ethical societies

President
ARNOLD E. SYLVESTER
Executive Secretary
ARTHUR LANE

2 WEST 64th STREET, NEW YORK 23, N.Y. TEL: TRAFALGAR 4-5200

Rec'd 3/30/64

TA introduction

March 26, 1964

Mr. Leslie Dunbar
Southern Regional Council
5 Forsyth Street N.W.
Atlanta 3, Georgia

Dear Mr. Dunbar:

As Leader-at-large for the American Ethical Union I am engaged in some of the field work for our Commission on Race and Equality. I was in your office a year ago and talked to one or two of your staff members but was unable to spend any time with you because you had a crowded calendar. I plan to be in Atlanta April 16th and 17th and am hoping that you will be available on one of those two days for an appointment.

16th AM

We are contemplating projects in the South during the coming months and it has occurred to me that there may be some way we could assist with the work of the Southern Regional Council. I have been a subscriber to "New South" for several years and am a friend of Dr. James McBride Dabbs. Atlanta was originally my home town. The American Ethical Union underwrote the expenses of the joint conference of the Georgia Council on Human Relations and the Alabama Council on Human Relations held last October 4th and 5th at Tuskegee.

Among the projects we have been considering for the coming summer are: high grade recreational programs in selected Negro communities of the South, perhaps with interracial staff; vacations for selected Negro children 12 to 14 years of age in homes and camps of the North and ~~South~~ EAST; participation in tutorial programs in Southern communities where such efforts would be helpful and welcomed. Also, we may underwrite the salary of one or two top professors for a teaching situation in selected Southern Negro colleges for the summer session. Tentative arrangements are already being made with Miles College in Birmingham.

If these or other projects occur to you as areas in which a Northern-based organization such as ours could play a limited but useful role, it would be helpful to hear from you and to meet with you as indicated above.

Sincerely yours,

Walter Lawton

Walter Lawton

MATERIALS SENT: Origin and Aims; January issue of New South President's address; Direct Action, Coles, Morland, and Henderson pamphlets, and VEP Press Release.

File for "Art" gen. Concept

April 10, 1964

Mr. Bernard Anderson
622 Keefer Place, N. W.
Washington, D. C.

Dear Mr. Anderson:

In response to your letter of April 6, inquiring about the Southern Regional Council, I am enclosing some materials that will inform you, not only as to who we are and the kind of organization we are, but also some evidence of the kind of work we try to do.

We will be pleased to put your name on our mailing list, if you so desire. Please let us hear from you.

Sincerely yours,

Vernon E. Jordan, Jr.
Enclosures

VEJ:nm
Enclosures

VI
please reply
(receive clear till
who someone in)

622 Keefer Place, N. W.

Washington, D. C.

April 6, 1964

Director

Southern Regional Council

5 Forsyth Street, N. W.

Atlanta, Georgia

Dear Sir:

I have read some of the research studies published by the Southern Regional Council, and I would like to know more about your organization. Most particularly, I am interested in whether the work of the Council enjoys a broad base of support among Southern business and civic leaders. Also, I would like to know if the Council is affiliated with a college or university. Any information concerning the nature and function of the Council will be greatly appreciated.

Thanking you in advance for your cooperation, I shall remain

Yours truly,

Bernard Anderson

Bernard Anderson

CROSS REFERENCE SHEET

NAME OR SUBJECT:

ADAMS, Helen (Mrs.)

REGARDING:

Possible position, with North Carolina Human Relations.

DATES

4/7/64 - 4/20/64

(SEE)

NAME OR SUBJECT:

Corresp. filed in North Carolina Human Relations

Rec'd 4/28/64

FEderal 8 5020

DAVID APTER & ASSOCIATES Public Relations Counsel
1145 19th Street, N.W. Washington, D.C. 20036

MA would you pls select the [illegible] things

April 27, 1964

Mr. Leslie W. Dunbar
Southern Regional Council
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Mr. Dunbar:

Our mutual friend, Harold Fleming, has suggested that I write you in reference to my search for factual information on actions being taken within the business community in the area of race relations.

We are interested in seeing a variety of past studies and case histories, information on work in progress, and would like to be on your mailing list for future materials. We are pulling all of this together for a "Businessman's Report on Race Relations" service soon to be announced.

Harold feels it would be useful for me to see your back files of "L" reports and to be on the list for future copies,and also suggested your upcoming study on "the cost of discrimination". I understand that you also are doing individual city studies which would be helpful.

If it is not asking too much, I would appreciate having someone go through your old files for everything pertaining to the relationship of business and race. Your Atlanta survey on "Plans for Progress," the study on "Racial Crises and the Press,"and your article on "The Annealing of the South," are some examples of what we need.

I have been active in the human relations field for some years and last August served as information coordinator for the March on Washington. From this background and my work with business clients, I feel that there is a particular need at this time for a service which pulls much of the information together for use by employers.

We are also on the lookout for individual companies doing a good job whom we might interview for case study reports. Any suggestions would be appreciated.

At the same time I would like to subscribe to "The New South". Please send me a bill on this, including any costs for the other publications.

I do hope that I can talk to you very soon about this project. Please let me know if you are planning a trip to Washington.

Sincerely,

David Apter

David Apter

DA:jmg

File "A" gen. corresp.

MEMORANDUM , May 1, 1964

To: NM and JS

From: MMJ

Nobbie,

Please put the following person on our mailing list - Category #7 -(Contact,~~Aid&passpass~~ Research)

Mr. David Apter
David Apter & Associates
1145 - 19th Street, N. W.
Washington, D. C.

Janet,

Would you, for the same person, enter a subscription to New South for one year -- a bill has been mailed to Mr. Apter as of this date.

thanx, mmj

INVOICE

SOUTHERN REGIONAL COUNCIL, INC.
5 Forsyth Street, N.W.
Atlanta 3, Georgia

Mr. David Apter
David Apter & Associates
1145 - 19th Street, N. W.
Washington, D. C.

****

Purchase Order #

Date Shipped

1 yr. subscription to NEW SOUTH

$2.00

May 1, 1964

Mr. David Apter
David Apter and Associates
1146 - 19th Street, N. W.
Washington, D. C.

Dear Mr. Apter:

We are sending you, under separate cover, a bundle of things. We are also putting you on a mailing list, and entering a subscription for New South.

I would think the best source for names of companies doing well would be the President's Committee. Places which would occur to us would be, among others, Douglas Aircraft in Charlotte, Lockheed here in Marietta, and International Harvester in Memphis. Some smaller companies might be of interest, and here I would think the President's Committee could be particularly helpful with suggestions.

I have no present plans for coming to Washington, but I usually get up there a few times a year. I'll certainly look forward to meeting you. In the meantime, please let me know if there are other things we can help with -- and best wishes to you in your venture.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj

Separate mailing to Mr. David Apter:

The South and the Nation, LeRoy Collins

If the Schools are Closed, Green-Gauerke

The Oxford Disaster...Price of Defiance, Rep. Karl Wiesenburg

Washington Post reprint, "The South's Pattern of Violence Has Changed," Geo. McMillan

Racial Crisis and the Press, Spearman, Meyer

"Closing Public Schools Would Constitute Catastrophy!" (Doctors' statement on Atlanta schools, 1954)

Wall Street Journal reprint, "Segregation Costs - Dixie Firms Find Them More of a Burden as Racial Tension Grows," by Cal Brumley

The Negro in Our Economy, W. Hardin Hughes (an SRC pub.)

Atlanta, Chattanooga, Houston employment studies

"The Annealing of the South," Dunbar

Special Report - "A Study of Negro Farmers in S.C."

Harvard Business Review reprint, "Private Business & Public Education in the South, Helen Hill Miller

Nashville Tennessean reprint, May 31, 1959, "New Factories Thing of Past in Little Rock," Garry Fullerton

Atlanta Constitution reprint, "The Economic Effect of School Closing, Jim Montgomery

Business Week reprint,"The Negro's force in Marketplace,"

Special Report, "Plans for Progress: Atlanta Survey"

"Federal Programs to Promote Employment And Development in Rural Communities," M. Hayes Mizell

"The City Government and Minority Groups," Internat'l. City Managers' Assn.

Fortune Magazine reprint, "The Businessman and the Negro", Chas. Silberman

Harvard Business Review reprint, "Business--Next Target for Integration?," John Perry

Henderson, The Economic Status of Negroes...

Silver, Mississippi: The Closed Society

Executive Support of Civil Rights, SRC

The Federal Executive and Civil Rights, SRC

Racial Violence and Law Enforcement, Geo. McMillan

Georgia's Divided Education, Ga. Conf. on Educational Opportunities.

When a City Closes Its Schools, Ernest Q. Campbell

Wanted: A Health South - SRC pub.

"Greenville's Big Idea" - New South, April-May, 1950

"Housing in the South," New South, April 1948

"The Press Reports on Atlanta's Public Hospital Grady Memorial - Spalding Pavillion" by Atlanta Med. Association

Special Report - "Housing for Negroes in Atlanta, Ga."

L-Reports 5,6,12,14,15,16,17,18,19,21,22,23C,24,25,26,27 28,29, 30,31,32,33,34A,35,36,37,38,40,41,43,44&&,45,46.

File
Gen. Corresp

June 15, 1964

Mr. Donald B. Straus
President
American Arbitration Association
140 West 51st Street
New York, New York

Dear Mr. Straus:

We have your letter of June 8 addressed to Dr. George S. Mitchell. Dr. Mitchell left the Southern Regional Council in early 1957 and moved to Glencoe, Scotland where he died in 1962.

Sincerely yours,

(Mrs.) Mildred M. Johnson
Secretary to the Director

MMJ

Lind,
Shall I reply or forget?
Nancy

american arbitration association

140 WEST 51st STREET • NEW YORK, N. Y. 10020
(AREA CODE 212) JUdson 2-6620

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SYLVAN GOTSHAL
World Trade Arbitration

June 8, 1964

Mr. George S. Mitchell, Executive Director
Southern Regional Council, Inc.
5 Forsythe Street, North East - Room 20
Atlanta 3, Georgia

Dear Mr. Mitchell:

We know of your interest in arbitration and, therefore, you might care to become a member of our Association. We would be pleased to have you and I am sure you will find affiliation with us worthwhile.

Membership would keep you informed of the latest developments in arbitration. For instance, we publish the highly popular Summary of Labor Arbitration Awards each month (with index quarterly), as well as the Arbitration News, quarterly Arbitration Journal, quarterly Digest of Court Decisions, quarterly Lawyers' Arbitration Letter, also frequent research and educational bulletins. As a part of our research program, in 1961, Harper & Row published "Labor-Management Contracts at Work," by Morris Stone, Editorial Director of the AAA. Mr. Stone's second book, "Managerial Freedom and Job Security," has recently come off the press. Both of these books are sent to members without charge. More publications will be coming out during the balance of the year.

We are conscious of the need to develop new techniques in the area of labor arbitration to meet the challenges of our changing technology. We have study groups in several regions occupied with the problem. Undoubtedly, you would benefit from our research and educational work, the results of which we are constantly publishing either as special reports or in one of our standard publications, described above.

The membership fee for individuals is $50 per year. Your membership would be tax deductible since we are a non-profit, educational organization and are supported by case fees and by memberships.

In bringing the benefits of membership in the Association to your attention, I feel it is important to emphasize that service on our National Panel of Arbitrators is <u>not</u> one of them.

Our membership and panel records are kept in separate departments, and our use or non-use of your professional talents as arbitrator will not be influenced in any way by your response to this letter.

I do hope, however, that you will give this invitation favorable consideration. We need new members to help support our growing service, and I am confident you will find our publications and service of value.

Sincerely,

Donald B. Straus

Donald B. Straus
President

DBS:cf
Enclosure

American Arbitration Association

140 WEST 51st STREET • NEW YORK N. Y. 10020

I AM ENCLOSING MY CHECK IN THE AMOUNT OF FIFTY DOLLARS TO COVER ASSOCIATE MEMBERSHIP IN THE AMERICAN ARBITRATION ASSOCIATION.

NAME .....

ADDRESS .....

.....

CITY ..... STATE .....

DATE .....

Kindly make checks payable to:

AMERICAN ARBITRATION ASSOCIATION

All membership contributions are tax-deductible.

AAA 86—1M—5-64

ARBITRATION NEWS

AMERICAN ARBITRATION ASSOCIATION

140 WEST 51st STREET NEW YORK, N. Y. 10020

No. 5, 1964

PRESIDENT'S REPORT TO THE ANNUAL MEETING—JUNE 9, 1964

WHEN THE thirty-eighth annual meeting of the American Arbitration Association is called to order on June 9 in the Association's new headquarters, the prevailing mood will be one of optimism. That this should be so is understandable, for the physical surroundings in themselves will be evidence of the progress which made the move to larger quarters both possible and necessary. Nineteen sixty-three saw a twenty percent rise in AAA's case load over 1962, and plans for merger with the General Arbitration Council of the Textile Industry, effective May 1, 1964, were completed. The year also saw laws improved in a number of states, new educational materials produced by AAA, important promotional steps taken, and organizational measures carried through for better arbitration service.

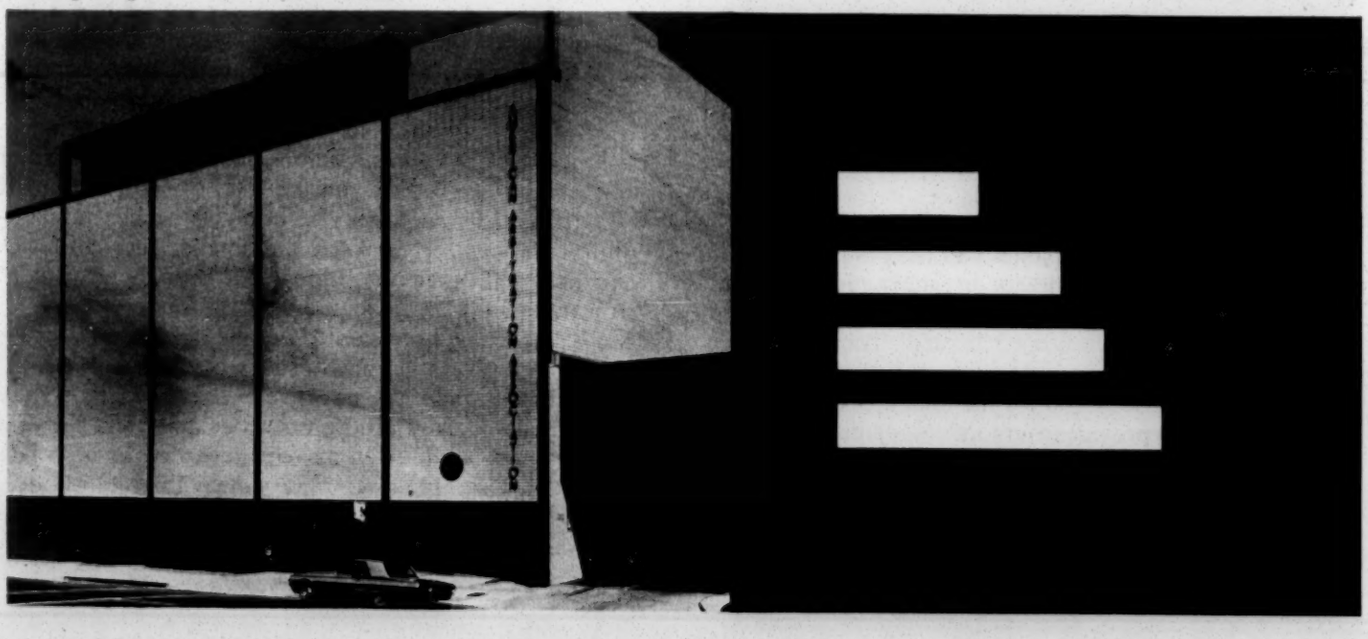
This would be an impressive record for any year, and it would be tempting to use the occasion of this annual report for a full account of all that has been accomplished. We believe, however, that it would be more constructive at this time to involve AAA members, potential members, arbitrators, and users of the Association's tribunal services in a discussion of several problems, created by our growth, that have occupied the attention of Directors, officers and staff members during the past year.

SUPPORTING THE TRIBUNALS

Our first premise for this discussion is that private, voluntary arbitration is important to American industry and labor and that the American Arbitration Association —the only non-governmental agency available for all types of arbitration everywhere in the United States—deserves to be supported by those who benefit directly or indirectly from the Association's services. The Association can sustain losses in particular operations for a while, especially when they are in an experimental stage. But in the long run, only a viable organizational structure and a secure financial basis can give business organizations and the labor-management community the remedy for disputes they expect when they use arbitration clauses in commercial documents of every description, in insurance policies, and in collective agreements.

Here we come upon a dilemma: arbitration has developed in the United States at an uneven rate, and not all types of arbitration have developed the same degree of self-support. The most widely distributed of AAA's tribunal systems is labor-management arbitration, but the fee charged by the Association for this type of service has never been high enough to cover actual costs of operation. The $5 per case increase which was put into effect in 1958 helped to meet the inflationary rise, but it was not sufficient to correct the imbalance between operating costs and tribunal income. The result is that the Association today maintains a system of arbitration which accounts for about 44 percent of its tribunal work, but which produces only about 20 percent of tribunal income. Admittedly, the typical labor arbitration case involves less staff work than does the average commercial case. But even taking this factor into consideration, the

The rapidly expanding Los Angeles Regional Office of the American Arbitration Association is now located in a modern air-conditioned building designed to AAA's specifications.



disparity remains a serious one. As a consequence, AAA Regional Offices having a high volume of labor arbitration and relatively few commercial or accident claims cases are compelled to operate at a financial loss. Clearly, a self-supporting labor tribunal may not be a possibility in the foreseeable future, but some upward adjustment in the income derived from labor arbitration services is both justified and necessary. Whether this is to be accomplished by increased case fees, more membership support, or by a combination of the two is now under discussion.

UNEVEN DEVELOPMENT OF COMMERCIAL ARBITRATION

The situation is otherwise in regions where non-labor arbitration cases predominate. Although the Association sets its commercial case fees at a modest level, in keeping with its non-profit character, those fees are generally sufficient to cover the costs of administration. Moreover, rising costs and inflationary pressures are offset by the fact that commercial fees, consisting of a percentage of the amount claimed, tend to rise as cases involve larger sums. The Association's financial problem with commercial arbitration is therefore not that the basic fee schedule is inadequate, but that commercial cases appear in high volume in only a few of the regions. Whether the case load is high or low, panels must be maintained everywhere, and trained personnel must be available for service at all times. This places on AAA a burden that would be eased considerably if the business community in all or most parts of the country used commercial arbitration as widely as it does in some. For that reason, efforts during 1963 were directed at finding new uses for commercial arbitration and at bringing a greater awareness of these uses to the bar and the business community.

RAPID GROWTH OF UNINSURED MOTORIST ARBITRATION

Uninsured motorist arbitration—the Association's newest tribunal—has grown so rapidly that it accounted for almost as many cases in 1963 as did the labor-management arbitration tribunal. The rate of growth is continuing, as the legislatures of an increasing number of states are making it mandatory for insurance companies to protect motorists against personal injury caused by uninsured and hit-and-run drivers, and as insurance companies include AAA arbitration clauses in their policies. The present fee structure meets the needs of the Association, the insurance companies and the policy-holders, who are usually the claimants in uninsured motorist cases. The latter initiate arbitration with a filing fee of $50, regardless of the amount claimed. The insurance companies pay a larger sum, computed every year to compensate the Association for the total costs of administration. It was to provide insurance companies and their policy-holders with efficient arbitration service that the Association undertook the financial and organizational obligation of new regional offices in recent years. These offices also administer commercial and labor cases, and they are centers of education and promotion work in their areas. But they remain heavily dependent upon uninsured motorist arbitration, without which they would not be financially solvent. There is at present no end in sight for uninsured motorist arbitration; the volume of cases continues to grow in all states where arbitration systems have been established, and new states are joining the list. But the uninsured motorist arbitration was designed for a specific purpose, and no prudent administrator of arbitration can disregard the possibility that the general problem of uninsured motorists may be solved. Uninsured motorist arbitration cases would then level off, and perhaps even decline. As in the problems discussed above, the prudent course for the Association is to develop a variety of arbitration systems so that no regional office will be entirely dependent upon one. Only in this way will the Association's future be secure.

NEW MEMBERSHIP FEE STRUCTURE

So far, we have been discussing the Association's tribunal activities—the portion of AAA's work which produces income on a case-by-case basis. There are other functions, however – education, publications, research and development—that serve the public at large and must be supported by general contributions. About 19 percent of the Association's income is derived from annual membership dues, paid by companies, labor unions, trade associations, civic groups and individuals who acknowledge the obligation of the public to support private institutions that serve it. Among AAA members are many organizations that invoke their AAA arbitration clauses frequently. But there are just as many who recognize that the mere use of an AAA clause in a contract, regardless of whether disputes arise that must be arbitrated, entails an obligation to support the Association, for without this support, it would be impossible for AAA to maintain its National Panel of Arbitrators, to conduct its legal research, and to perform all the other standby services.

Arbitration has been likened to a fire department, in that both require support from the public whether the contingency occurs or not. Indeed, without AAA's standby services, an arbitration clause would be like a fire alarm box with no fire station at the other end of the line. For this reason, a corporation's use of AAA services does not directly measure its obligation for support.

Until recently, the Association's schedule of membership fees lacked a logical relationship between the size of the donor organization and the level of contribution. It was perhaps not necessary to establish such a relationship in the past, when AAA was smaller and had fewer financial and other obligations. But with the growth of arbitration and the increased demand for services of all kinds, it became necessary to put the membership structure on a more sound basis. This was done in 1963.

In general, there are now five classes of membership. Individuals—usually arbitrators, educators, and lawyers not affiliated with law firms—are regarded as associate members. The other classes are: educational institutions, corporations, labor unions, and law firms. All receive the Association's literature and basic services, although

corporate members may name several persons on their staffs as recipients of this material. Educational institutions and individuals may join for $50 per year. Corporate membership fees are scaled by the number of employees, ranging from $50 for those having fewer than 100 employees, to $1000 a year for those having more than 7500. Corporations in the latter category may generally be expected to exceed the indicated figure. AAA memberships for unions also range from $50 to $1000, depending upon size, and law firms may join the Association for $125.

INCREASED INCOME USED FOR BETTER SERVICE

The new fee schedule has been in effect for less than a year, but it has already produced gratifying results. Most member organizations, on being told the purpose of the increase, have not hesitated to conform to the new schedule. Some members, limited by previous budgetary commitments, were able to put only part of the increase into effect this year, but they agreed that the new schedule was justified and indicated their intention of meeting it in 1965. And to our regret, but as was to be expected, a few members decided to discontinue their membership. By and large, the experience has been satisfactory. New members have been recruited to compensate for the small losses, and the greater income now available through membership contributions is putting the Association in a better position to fulfill its obligations to the public. Moreover, it is relevant at this point to add that although contributions to AAA reflect the public's recognition of its obligation to support the institutions that serve it, they bring practical returns to the donor, for they enable the Association to carry forward the education and publication program which member organizations use as a supplement to the work of their staffs.

THE SEARCH FOR NEW FIELDS OF USEFULNESS

A recurrent theme throughout this report has been: We must find new uses for commercial arbitration and new areas of service to the public. This theme has also guided the activities of the staff during 1963.

Typical of the projects undertaken was the development of special arbitration clauses for disputes between prime contractors and subcontractors doing work for the Federal Government. Heretofore, prime contractors could appeal to government contracting officers in case of dispute over payment for extra work, or in case of a controversy with a government agency over the workmanlike performance of contract obligations. But subcontractors, to whom the prime contractor may have assigned work, with the Government's permission, had no such avenue of appeal. After extensive discussions with attorneys representing companies doing Defense Department work, a special arbitration clause was devised which overcomes this gap. When this clause is used in agreements between the prime contractor and a subcontractor, the latter may prosecute his claim against the former in arbitration, unless the prime contractor agrees to represent the subcontractor in proceedings before the government contracting officer.

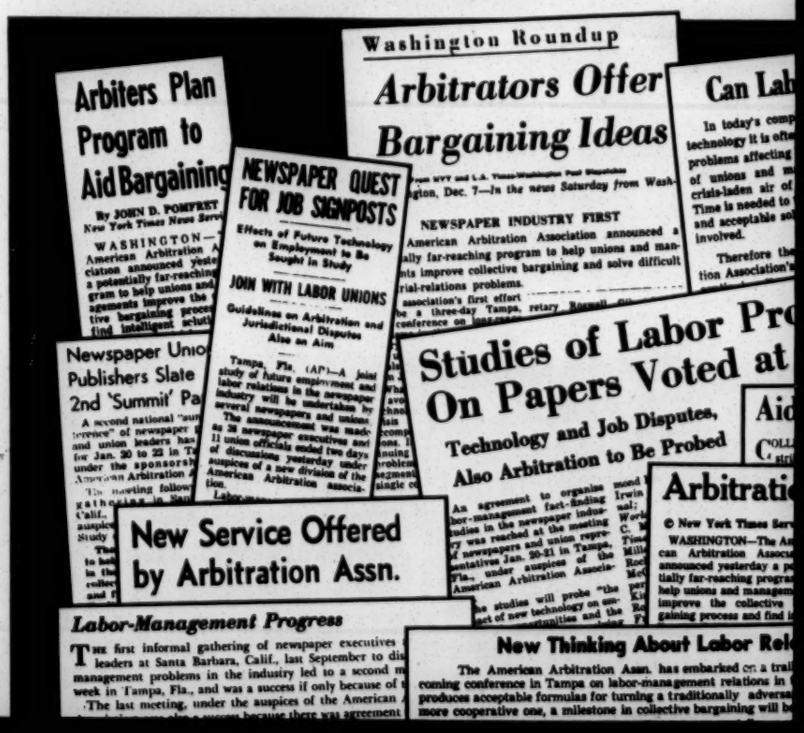
Similar alertness to newly developing problems and to the possibility that arbitration may play a broader role than it has in the past was also evident in two surveys, one conducted among thousands of attorneys whose practice consists in large part of negligence actions, and another among more than six thousand corporate counsel. The results of these surveys will be published in a form that will be of value to users of AAA tribunals.

Recognizing that lasting progress in developing arbitration depends upon local support in the regions, the Association is establishing Regional Advisory Councils, consisting of civic, business and labor leaders in all parts of the country. Their function will be to recommend activities and procedures that will make the Association a more useful institution in the area. We hope that as they become more familiar with our work they will assume an increasingly important role in guiding the affairs of our regional offices.

TECHNIQUES FOR SETTLING NEW LABOR PROBLEMS

The search for new fields of usefulness is not limited to commercial arbitration. During 1963, the Association decided to create a new division to help unions and management set up continuing bilateral and tripartite off-the-record discussions of matters that can not usually be dealt with during the short time available for negotiation of new agreements. Automation problems come to mind quickly as examples of issues so complex that long periods of preparation and the help of neutrals may be needed. But "continuous bargaining techniques" have been used successfully to solve other issues as well—issues which, for one reason or another, have defied resolution during conventional bargaining.

The response of the trade and general press to AAA's announcement of a new service to help labor and management resolve difficult problems is shown in this montage of clippings.



Unlike AAA's labor arbitration service, the new activities will not result in final and binding decisions. The emphasis will be on arriving at mutual understandings which the parties will themselves express in future contracts. To avoid any misunderstanding or confusion, the new service will operate independently of the Association's tribunals. In announcing the new program, the Association made it clear that the object was not to intervene in current bargaining or work stoppage problems, functions which are very well performed by Federal, State and local agencies. Thus, the Association will not compete with other mediation bodies, but will perform a needed service for which AAA, by virtue of its experience and impartial standing, is uniquely qualified.

AAA's ADVISORY BOARD
ON CONTINUOUS BARGAINING TECHNIQUES

David L. Cole, Chairman

Benjamin Aaron — Clark Kerr
Neil W. Chamberlain — Theodore W. Kheel
John T. Dunlop — Ralph T. Seward
James J. Healy — George P. Schultz
George W. Taylor

The Association is being assisted in the new project by an Advisory Committee, consisting of nationally known arbitrators and impartial experts. The first practical application of the new service was the sponsoring of a three-day conference in Tampa during January 1964, at which high-ranking officers of newspapers and unions discussed serious problems of automation and manpower displacement in the newspaper publishing industry.

Commenting on the Association's decision to broaden the scope of its services, an editorial in the New York *Times* on December 16, 1963, declared: "The virtual disappearance of strikes as a means of resolving grievences growing out of the interpretation of labor-management contracts is largely attributable to the missionary efforts of the American Arbitration Association. Since World War II its activities have helped make arbitration an almost universal replacement for economic muscle in settling such disputes. Now the Association is extending its sphere of usefulness by addressing itself to the tortuous new difficulties automation is creating for collective bargaining. Its aim is to assist unions and employers in establishing machinery for continuous discussion of their mutual problems—away from the countdown pressures of a contract's expiring hours. Many industries already have taken the first steps in this direction and have found the new devices beneficial in promoting better understanding."

A BUSY YEAR AHEAD

This report has dealt at length with basic policy questions and with important new objectives. It has of necessity omitted discussion of many day-to-day problems and accomplishments. Nevertheless, a few of these developments should be mentioned briefly. Several years ago, the Association began decentralizing some of its activities, giving Regional Managers a wider scope of autonomy over arbitration case administration and promotion within their areas. This program was carried forward during 1963. At the same time, staff functions in New York headquarters were improved, and standards for case administration were made more uniform through a set of manuals, distributed to all Regional Managers and discussed at a conference of managers in New York.

As usual, the Association's Education Department and the Regional Managers participated in several hundred meetings, conferences and seminars on all aspects of arbitration. Articles on commercial arbitration were prepared for about thirty trade magazines, and bar association journals reflected the increasing interest in commercial and accident claims arbitration among lawyers. Three new brochures were added to the Association's list of publications, and a new book, *Managerial Freedom and Job Security*, by AAA Vice President Morris Stone, was published by Harper & Row. This volume, as was an earlier book, *Labor-Management Contracts at Work*, is based upon labor arbitration awards published in the American Arbitration Association's monthly serv-

AAA President Donald B. Straus (left) and Edward M. Fuller, Chairman of the General Arbitration Council of the Textile Industry (right) look on as New York Regional Manager of AAA Michael F. Hoellering and Alberta Madigan, Secretary of the GAC Division of AAA, discuss administration of commercial arbitration cases.

RESOLVING DISPUTES IN PRIVATE INDUSTRY

WHAT'S DIFFERENT ABOUT AAA LABOR ARBITRATION?

YOU ARBITRATE IT!

Labor-management arbitration cases taken from the files of the American Arbitration Association

Reprinted by permission from IRON AGE, The National Metalworking Weekly

Copyright Chilton Company

DOUBLE DUTY

LABOR ARBITRATION CLINIC

Labor-management arbitration cases taken from the files of the American Arbitration Association

Reprinted by permission from CHEMICAL PROCESSING

Copyright Putnam Publishing Company

Pitfalls of over-ambition

THE NEW YORK ARBITRATION LAW

Article 75, Civil Practice Law and Rules

Effective September 1, 1963, the New York Arbitration Statute is contained in Article 75, sections 7501-7514 of the Civil Practice Law and Rules (hereinafter called "CPLR"). Experience under Article 84 of the Civil Practice Act (hereinafter called CPA) was generally satisfactory but revealed certain defects in its statutory scheme which the Legislature revised in the new statute.

The basic principles of the earlier arbitration statute have, for the most part, been retained. The revisions present in the new law are designed to improve the organization of the statute, to clarify the law of arbitration, to eliminate certain anomalies, and to improve arbitration procedure. The new article on arbitration (the text of which is appended hereto) retains desirable principles of the pre-existing law [illegible] modifications:

DISPUTE SETTLEMENT UNDER GOVERNMENT SUBCONTRACTS

YOU be the Arbitrator!

EIGHTH EDITION

AMERICAN ARBITRATION ASSOCIATION

477 MADISON AVENUE NEW YORK 22, N. Y.

Offices in Atlanta • Boston • Charlotte • Chicago • Cincinnati • Cleveland • Dallas • Detroit • Hartford • Los Angeles • Miami • New York • Philadelphia • Pittsburgh • San Francisco • Seattle • Syracuse • Washington, D. C.

Managerial Freedom and Job Security

From Cases of the American Arbitration Association, the book reports on labor management [illegible] that is now highlighted by the issues of automation.

ELECTION RULES

Effective February 1, 1964

a private, non-profit organization in the public service

AMERICAN ARBITRATION ASSOCIATION

New York 22, N.Y.

ARBITRATION OF UNINSURED MOTORIST CLAIMS

a private, non-profit organization in the public service

AMERICAN ARBITRATION ASSOCIATION

140 West 51st Street • New York, N.Y. 10019

ice for members, *Summary of Labor Arbitration Awards*.

In many ways, tribunal administration is a matter of routine and careful attention to details. But helping parties plan arbitration procedures and overcome some of the difficulties that arise also calls for both originality and ingenuity. On several occasions during the year, companies and unions that have encountered special problems in labor arbitration called upon the Association to set up rotating panels and other procedures which, in effect, give those parties some of the advantages of permanent umpire systems, along with the advantages of *ad hoc* arbitration.

The American Arbitration Association has every reason to face its thirty-ninth year with confidence. The need for education about arbitration and for tribunal services is boundless, the apparatus for filling that need exists in AAA and its network of Regional Offices and Advisory Councils, and the financial support of those who benefit most from AAA's accomplishments will be forthcoming. The accompanying financial report, reflecting careful management, shows no deficit. But there is a great deficit, in terms of work to be done. With the continued generous support of the business and labor-management communities, the next year should see further notable progress.

Donald B. Straus

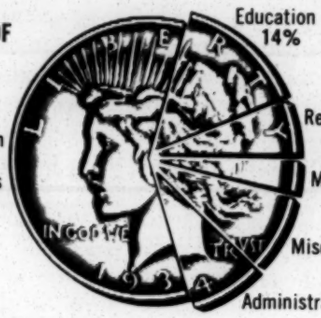
DONALD B. STRAUS
President

AAA Regional Managers and officers met in New York Headquarters for three days of conference on arbitration problems.

SOURCE OF REVENUE

Case fees:	
Commercial	$ 359,896
Accident Claims	566,607
Labor	248,124
Membership dues and contributions	309,508
Miscellaneous:	
Costs reimbursed	40,953
Investment income	21,738
Publications, seminars, etc.	21,155
Election fees	13,796
Administrative fees	13,179
Room rentals, etc.	13,037
	$1,607,993

DISPOSITION OF REVENUE



Operation of Tribunals		$ 942,023
Education:		
Publications	$106,173	
Seminars	71,092	
Research	46,927	
Library	8,768	
		232,960
Membership		44,358
General administration		129,703
Miscellaneous		165,268
Addition to reserves		93,681
		$1,607,993

No. 5, 1964

AMERICAN ARBITRATION ASSOCIATION
140 WEST 51st STREET
NEW YORK, N. Y. 10020

1926

1964

Return requested

February 24, 1965

Miss Fran Ansley
Radcliffe College
Cambridge 38, Mass.

Dear Miss Ansley:

Mr. Leslie Dunbar has asked that I respond to your letter concerning possible employment this summer, in civil rights programs.

I am afraid we do not have any suggestions. Mr. John Youngblut, at Quaker House, informs us that you have been in contact with him about the Quaker House as a possible place of employment. If Mr. Youngblut can find a place for you in his summer program, we heartily recommend this as a valuable and interesting way to spend the summer.

The only other suggestion that we have is that you write to Mrs. Marian Glustrum at the Community Council of The Atlanta Area, Palmer Building, Atlanta, advising her of your interest in summer work. Mrs. Glustrum coordinates summer programs in the area of your interest.

You may also write to the Atlanta-Fulton County Economic Opportunity Authority, 101 Marietta Street Bldg., Room 610, Atlanta, and inquire as to the possibilities of summer employment. Write direct to Dr. Tilman Cothran, who is Associate Director of the Anti-Poverty Program.

We trust this information will be of help to you, and wish you success in your endeavors.

Sincerely yours,

Vernon E. Jordan, Jr.
Assistant to the
Executive Director

VEJ:nm

Dear Dr. Dunbar -

Could you please send me any information you have available on civil rights programs which could use student help this summer in Atlanta? Having been born and brought up mostly in Atlanta, & then in Columbus, my social conscience won't let me alone for one more summer.

I am a freshman at Radcliffe College this year, & there are quite a few programs run from up here that I could get involved in. From my experience so far, however, I think locally-oriented programs are usually much better, & I'd rather work in one of those if possible.

I'm not very definite on what

exactly I want to do. (That's a great help I know) - I would certainly want to be involved with people; probably the educational end with children is where I've had the most experience. (I'm working in a Cambridge Housing project this year.)

Of course, it doesn't have to be a paying job, and I'm pretty sure I will be able to take a full time one, though it is not absolutely certain yet.

Excuse the vagueness - it's just that I'm still in the exploratory stage. Please let me know as soon as is convenient.

Sincerely,
Jan Ansley

SOWELL AND HARDEN
CERTIFIED PUBLIC ACCOUNTANTS
950 BANK OF GEORGIA BUILDING
ATLANTA, GEORGIA 30303

WALDO SOWELL
HARPER H. HARDEN, JR.
HARRY A. WILLIAMS, JR.

MEMBERS
AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS

March 24, 1965

Mr. Leslie Dunbar, Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N. W.
Atlanta, Georgia 30303

Dear Mr. Dunbar:

We have submitted to you the financial statements for Southern Regional Council, Inc. for the year ended December 31, 1964 accompanied by our professional opinion on those statements.

In the course of our examination of those statements we observed certain situations in which it appeared that improvements could be made. Your attention is invited to the following situations which in our opinion should be given further study leading to corrective action.

Internal control is very important in any organization and in an organization which handles funds of a restricted nature, it becomes increasingly so. You seem to have sufficient employees to assign work tasks in such a manner as to achieve this control.

It is desirable that procedures for handling incoming checks and money should provide for the immediate placing of a restrictive endorsement on all checks, and the preparation of a list of the incoming receipts by the person who opens the mail. The original of this list accompanied by any transmittal letters or other supporting documents would go to the Secretary-Treasurer and a copy of the list accompanied by the checks and money received would be forwarded to the person responsible for making the bank deposit. A validated deposit ticket would be returned to Mrs. Alexander for comparison with her list. Good internal control dictates that the person responsible for recording cash receipts be freed from any cash-handling functions.

As far as we have been able to determine there is no requirement that state councils and other cooperating agencies give to Southern Regional Council a receipt for all amounts paid to them. In view of the size of these grants it seems desirable that a signed acknowledgement be required for each payment.

At present, the filing system for personnel information is inadequate. A satisfactory practice is to maintain one file folder on each employee. This folder would contain the employee's application for employment, the authorization for his original rate of pay, authorizations for any changes in position or rate of pay, signed up-to-date exemption certificates for State and Federal income taxes, and authorization for any overtime compensation. We have discussed this inadequacy with Mrs. Alexander and she concurs with our thinking.

The accounts which are presently in use by Southern Regional Council are sufficient to satisfy accounting needs but it is our belief that they could be better organized by using a systematic numerical designation for each account. The design of a chart of accounts with groupings of similar accounts would expedite logical interpretation of financial data.

In this connection it should be mentioned that the general ledger should be posted and balanced each month.

Our general impression of your office situation was that while all information needed was available it sometimes required excessive time for it to be located. Although the scope of our work did not include an investigation of the reasons for this difficulty, we did feel that it should be mentioned.

We do have some thoughts concerning the handling of your cash disbursements which we would be glad to discuss at your convenience.

These suggestions are offered in a constructive spirit. Good procedures which embody adequate internal controls are a prerequisite to high quality in financial data.

Again may we express our appreciation for the courtesy and cooperation extended to us by you and your staff.

Yours truly,

Hal Harden, Jr.

H. H. Harden, Jr.

PCD:cb

File
U.A. - gen.

Cable Address:
CORACIWA, NEW YORK

LWDr
JAV
UPW

The American Society of African Culture

FIFTEEN EAST FORTIETH STREET, NEW YORK, N.Y. 10016 / OREGON 9-9255

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President

Calvin H. Raullerson
Executive Director

Executive Council:

Horace Mann Bond
William B. Branch
St. Clair Drake
William T. Fontaine
Zelma George
Adelaide Cromwell Hill
Frederick O'Neal
Saunders Redding
Charles H. Wesley

Staff:

James K. Baker
Director of African Programs, Lagos, Nigeria

Joseph C. Kennedy
Research Director

Yvonne O. Walker
Managing Director

Brooke Aronson
Publications Director

May 31, 1965

Dear Friend:

At the suggestion of one of our members, we are pleased to invite you to participate in our Eighth Annual Membership Meeting, which will be held at Atlanta University in Atlanta, Georgia on Thursday, Friday and Saturday, June 24, 25 and 26.

Our annual membership meetings have traditionally provided an opportunity for us to share with friends our unique reservoir of information concerning the cultural contributions of Africans and persons of African descent. This year our conference theme is The Changing Role of the African and the American Negro. We will be especially concerned with the development of a greater awareness on the part of the community at large of the relationship which exists between the cultural contributions of the black man and his quest for freedom and dignity.

In addition to our own well-known educators, writers and musicologist listed on the enclosed program, we expect to have as special guest panelists from Africa the Ambassador to the United States from Uganda, His Excellency Dr. Solomon Asea; the outstanding Nigerian playwright, Mr. Wole Soyinka; Mr. Christopher Kolade, Director of Programs for Nigerian Television Service; Monsieur Charles Delgado, Secretary of Embassy, Economic Affairs, Senegal Mission to the United Nations; Mr. Sam Akpabot, a well-known composer and musician from Nigeria; and Mr. Stanlake Samkange, politician, businessman and educator from Rhodesia.

We will have the honor of presenting at our banquet Sir Wilberforce Nadiope, Vice President of Uganda. Also for the banquet program we have invited Mr. James Farmer, National Director of CORE, to speak and the internationally-renowned American Negro folk singer, Odetta, to be special guest artist.

The AMSAC Eighth Annual Membership Meeting will be our first major activity in the South--other meetings have been held in New York City, Philadelphia, Washington, D.C., Los Angeles and Cleveland. It

is our sincere hope, therefore, that you and friends of yours in the Atlanta area will join us on this occasion. For your convenience, we are enclosing a registration form and reply envelope. It will be greatly appreciated if this is returned to me on or before Friday, June 11. We look forward to seeing you in Atlanta and to hearing from you as soon as possible.

Sincerely,

Yvonne O. Walker

Yvonne O. Walker
Managing Director

Enclosures - 3.

Eighth Annual Membership Meeting
AMERICAN SOCIETY OF AFRICAN CULTURE
Atlanta, Georgia
June 24 - 26, 1965

Conference Theme: THE CHANGING ROLE OF THE AFRICAN AND THE AMERICAN NEGRO

TENTATIVE PROGRAM

Thursday, June 24

10:00 a.m. - 4:00	Executive Council Meeting at Atlanta Americana Motor Lodge, Spring Street at Carnegie Way
6:00 p.m. - 8:00 p.m.	Membership Meeting at Atlanta Americana Motor Lodge
8:00 p.m. - 12:00 p.m.	Welcome Party (Hostess: Mrs. Geneva Haugabrooks, 816 Woodmere Drive, N.W.)

Friday, June 25

9:00 a.m. - 9:30 a.m.	Registration at Interdenominational Theological Center, 671 Beckwith Street, S.W.
9:30 a.m. - 10:00 a.m.	Orientation at ITC
10:00 a.m. - 12:00 noon	*Panel: Teaching About Africa Mr. Wyatt T. Walker Mr. Arthur Alberts Dr. Tommie Lee Samkange Dr. Virginia Nyabongo Dr. Horace Mann Bond
12:00 noon - 1:30 p.m.	Lunch at ITC

* All Panel Discussions will take place at the Interdenominational Theological Center

Friday, June 25 (continued)

1:30 p.m. - 3:30 p.m.	Panel: American Negro and African Literature Dr. William Fontaine Mr. William Branch Mr. Arna Bontemps Mr. Julian Bond Mr. Wole Soyinka Mr. Christopher Kolade Dr. Saunders Redding
3:30 p.m. - 3:45 p.m.	Coffee Break at ITC
3:45 p.m. - 5:45 p.m.	Panel: Literature of Social Thought: Africa and the American Negro Mr. Ossie Davis Mr. John Killens Dr. William Fontaine Dr. Samuel Cook Mr. Eric Lincoln Monsieur Charles Delgado Dr. Walter Skurnik
8:00 p.m. - 11:00 p.m.	Dramatic Presentation at Spelman College

Saturday, June 26

10:00 a.m. - 12:00 noon	Panel: One Man: One Vote Dr. John A. Davis Dr. Robert Brisbane Mr. Wiley Branton Dr. Samuel Cook H.E. Dr. Solomon Asea Mr. Stanlake Samkange
12:00 noon - 1:30 p.m.	Lunch at ITC
1:30 p.m. - 4:00 p.m.	Panel: African and American Negro Music Mr. Willis James Mr. Sam Akpabot

Saturday, June 26 (continued)

7:30 p.m. - 10:30 p.m. Banquet at Americana Motor Lodge

Guest Speakers:

Sir Wilberforce Nadiope
Vice President of Uganda

Mr. James Farmer
National Director, CORE

Guest Artists:

Odetta
American Negro Folk Singer

Atlanta University Choir

Eighth Annual Membership Meeting
AMERICAN SOCIETY OF AFRICAN CULTURE
Atlanta University, Atlanta, Georgia
June 24 - 26, 1965

REGISTRATION FORM
(Return to AMSAC on or before June 11, 1965)

NAME: _____
(last) (first) (middle)

ADDRESS: _____

ORGANIZATION REPRESENTED, IF ANY: _____

GENERAL INFORMATION

Registration Status - There are two categories for registration as defined below:

1. Delegate: Fee $12.00, entitles individual to attendance at all conference sessions, the reception, the formal banquet, and lunch on 6/25 and 6/26.

2. Observer: Fee $5.00, entitles individual to attendance at all conference sessions and lunch on 6/25 and 6/26.

Special Guest Cards - Special guest cards are available for friends who will not be able to attend the conference sessions but who wish to attend the banquet. The minimum contribution for each guest is $10.00. All guest cards should be requested on or before Friday, June 18, and contributions must be sent along with the request.

Hotel Accommodations - AMSAC has reserved a block of rooms at the Atlanta Americana Motor Hotel for out-of-town conference participants at a special night rate of $11.00 for single rooms and $16.00 for doubles. All reservations for this special rate must be made through the AMSAC office on or before Wednesday, June 16. All guests will pay their hotel bills directly to the Americana.

REGISTRATION AND SPECIAL RESERVATIONS (Please check appropriate blocks and fill in necessary information below)

☐ I wish to attend the conference as a delegate. Enclosed is my check in the amount of $12.00

☐ I wish to attend the conference as an observer. Enclosed is my check in the amount of $5.00.

☐ Please send me _____ additional guest cards for the banquet. Enclosed is my check in the amount of $_____. The names of my special guests are:

_____

_____

Please make a room reservation for me (or me and my guest) as follows:

☐ Single room

☐ Double room

The name of my roommate is _____

I expect to arrive on _____ (date) at _____ (time)

I expect to depart on _____ (date) at _____ (time)

SPECIAL REQUESTS

Please send information and registration forms for the Eighth Annual Membership Meeting of AMSAC to the following persons:

Name	Address

PLEASE TOTAL YOUR ASSESSMENTS as checked above and send this registration form along with your check or money order to:

AMERICAN SOCIETY OF AFRICAN CULTURE
15 East 40 Street
New York 16, New York

All checks must be payable to the American Society of African Culture

COPY

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ATLANTA, GEORGIA 30303

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CARL I. GABLE, JR.

HAROLD HIRSCH
(1881-1939)
MARION SMITH
(1884-1947)
A. STEVE CLAY
(1905-1948)

JACKSON 2-7420
AREA CODE 404

S/A
PA-pls determine

August 2, 1965

file
"a" - gen.

Mrs. Gresham H. Taylor
Southern Regional Council
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Mrs. Taylor:

I received your kind letter of July 21 with the enclosures thereto while in New York. The information was quite useful in my talk and I am extremely grateful for the time and effort you devoted to accumulating materials for me.

I believe the presentation was well received and the question period which followed was lengthy.

Please let me know the cost of the xerox copies so that I may send you a check for them.

Kindest regards.

Sincerely,

Miles J. Alexander

MJA:lp

cc: Mrs. Jack Patterson
Mr. Leslie W. Dunbar

Many thanks.
Miles

Esleeck
Fidelity Onion Skin
100% COTTON

File
"A" - gen

October 13, 1965

Mr. Nelson Severinghaus
Mr. Harold McCart
Mr. James Furniss
Atlanta Regional Urban Conference
P. O. Box 623
Atlanta, Georgia

Dear Sirs:

Thank you for your invitation to attend your conference on November 15. It is an important conference, and we would like very much to participate. Regrettably and ironically, our Annual Meeting will be held at the Biltmore Hotel November 15 and 16. Therefore, except possibly to look in on you, I will be unable to attend. If you have an opportunity, we would be pleased to have you sit in on such portions of our meeting as is convenient for you.

Sincerely,

Paul Anthony
Executive Director

PA/mmj

ATLANTA REGION URBAN CONFERENCE

NOVEMBER 15, 1965 - BILTMORE HOTEL
ATLANTA, GEORGIA

Reservations:
P. O. Box 623
Atlanta, Georgia 30301

October 1, 1965

Phone: 525-7695

Rec'd 10/7/65

Mr. Paul Anthony
Southern Regional Council, Inc.
5 Forsyth, N. W.
Atlanta, Georgia 30303

Dear Mr. Anthony:

Because of our concern with the prospects for our growing cities, towns, and counties, we hope you can join us on November 15 in a conference on urban affairs which our organizations have arranged. The program features our distinguished congressmen and other officials who have much to tell us about federal assistance programs.

As one who has shown a keen interest in the problems of your community, we believe you will want to attend. Information about the program at the Biltmore Hotel in Atlanta is enclosed. Reservations will be limited and we urge you to register as early as possible.

We look forward to seeing you on November 15, and hope you will pass the word along to others.

Very sincerely yours,

Nelson Severinghaus

Nelson Severinghaus, Chairman
Atlanta Region Metropolitan Planning Commission

Harold McCart

Harold McCart, Chairman
Metropolitan Atlanta Council of Local Governments

Jim Furniss

James Furniss, Chairman
Community Council of the Atlanta Area, Inc.

Sponsoring Organizations:
Atlanta Region Metropolitan Planning Commission
Community Council of the Atlanta Area, Inc.
Metropolitan Atlanta Council of Local Governments

ATLANTA REGION URBAN CONFERENCE
P. O. BOX 623
ATLANTA, GEORGIA 30301

The Atlanta Region Metropolitan Planning Commission
The Metropolitan Atlanta Council of Local Governments
The Community Council of the Atlanta Area, Inc.

Cordially Invite You

to attend the

ATLANTA REGION URBAN CONFERENCE

to discuss opportunities for healthy urban development. In-depth study sessions will be held on current and new federal legislation relating to physical and social development of your communities. Special emphasis will be placed upon procedures to assist you in taking advantage of these programs.

Monday, November 15, 1965 - 8:30 A.M. - 4:00 P.M.
Biltmore Hotel, Atlanta, Georgia

******

P R O G R A M

8:30 - 9:30 - REGISTRATION

9:30 - 10:00 - OPENING SESSION: Address of Welcome - Ivan Allen, Jr., Mayor of Atlanta
Explanation of Role of Sponsoring Agencies:
- Nelson Severinghaus, Chairman, ARMPC
- James Furniss, Chairman, CCAA
- Harold McCart, Chairman, MACLG

10:00 - 10:30 - ORIENTATION OF CONFERENCE - Congressman James A. Mackay

10:30 - 11:00 - LEGISLATION AFFECTING PHYSICAL DEVELOPMENT OF URBAN AREAS
- Congressman Charles L. Weltner

11:00 - 11:15 - COFFEE BREAK

11:15 - 11:45 - LEGISLATION AFFECTING SOCIAL DEVELOPMENT OF URBAN AREAS
- Congressman Phil Landrum

11:45 - 12:15 - LEGISLATION AFFECTING HOUSING AND URBAN AFFAIRS
- Congressman Robert Stephens

12:15 - 12:45 - OPPORTUNITIES AND ADVANTAGES THROUGH COOPERATION: LOCAL, STATE, AND FEDERAL
- Dr. Norman Beckman
Advisory Committee on Intergovernmental Relations

1:00 - 2:00 - LUNCH - Luncheon Speaker: Hon. Brooks Hays
Nationally known Statesman

2:00 - 3:00)
3:00 - 4:00) - PANELS

There will be six panels running concurrently, on Education, Welfare, Health, Urban Renewal, Community Facilities, and Community Development (Urban Planning and Open Spaces), discussing details of legislation pertaining to these subjects, and how it can be used in your community.

You may choose any two of these six topics for panel attendance.

******

REGISTRATION INFORMATION

Mail Registration Form to: Atlanta Region Urban Conference, P.O. Box 623, Atlanta, Georgia 30301
Enclose Check Payable to: COMMUNITY COUNCIL OF THE ATLANTA AREA, INC.
Registration Fees: Without Lunch - $1.00; Including Lunch - $5.00 - Fee covers copy of Proceedings.

REGISTRATION - ATLANTA REGION URBAN CONFERENCE

Name _____ Address _____

Agency or Organization _____

Check Enclosed:
Registration without lunch -- $1.00
Registration including lunch- $5.00

RHA ✓
PA

December 21, 1965

Mrs. Patricia C. Davis
Sowell and Harden
950 Bank of Georgia Building
Atlanta, Georgia 30303

Dear Pati

Thanks for your clarification on the accounting procedures with the project funds. I see no reason why we cannot follow the method you suggest and not concern ourselves with physically separating the money. Besides, we pay you too much money not to follow your advice.

All good wishes for the Season.

Sincerely,

Paul Anthony
Executive Director

PA/km

SOWELL AND HARDEN
CERTIFIED PUBLIC ACCOUNTANTS
950 BANK OF GEORGIA BUILDING
ATLANTA, GEORGIA 30303

WALDO SOWELL
HARPER H. HARDEN, JR.
HARRY A. WILLIAMS, JR.

MEMBERS
AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS

December 17, 1965

Mr. Paul Anthony
Executive Director
Southern Regional Council, Inc.
5 Forsyth St., N. W.
Atlanta, Georgia 30303

Dear Paul:

This to clarify the thoughts which we had concerning the handling of the Ford Foundation money. The basic question seems to be that of whether or not this money should be physically separate or whether a separate accounting for the funds would satisfy all parties concerned.

If physical separation of the money is required or preferred by Ford then this decides the question. In this event checks would be written against the Citizens Trust account.

However, if it is not necessary for the funds to be physically separated it is probably more efficient to handle them as follows:

1. Deposit grant funds to Citizens Trust account.
2. Handle any temporary investments through the Citizens Trust account.
3. Transfer funds in fairly sizable amounts to the First National account as they are required for operation of the various Ford projects.
4. Write checks on the First National account for all project expenditures.

This method of handling does not in any way impede a separate accounting for the money. Your accounting system is specifically designed to furnish this information.

You would also be placing the larger bank balance with Citizens Trust. This account would have very few transactions and would thus be more desirable from your banker's viewpoint.

An additional advantage is the efficiency of using only one set of checks for regular expenditures. It is quite conceivable that one check could be written for expenses which are partly chargeable to the Ford projects and partly chargeable to other projects or to general operations.

I hope that these thoughts will be of some assistance to you. Best wishes for a happy holiday season.

Cordially,

Pat Davis

(Mrs.) Patricia C. Davis

December 22, 1965

Mr. Lance F. Dobson
C.L.U., Supervisor
Aetna Life Insurance Company
1717 Fulton National Bank Building
Atlanta, Georgia 30303

Dear Lance:

Congratulations on your new appointment and all good wishes.

Sincerely,

Paul Anthony
Executive Director

PA/km

L-192

ÆTNA LIFE INSURANCE COMPANY

HARTFORD, CONNECTICUT

LANCE F. DOBSON, C. L. U., Supervisor
1717 FULTON NATIONAL BANK BLDG.
ATLANTA, GEORGIA 30303

December 17, 1965

Mr. J. P. Anthony, Jr.
Room 501
5 Forsyth Street
Atlanta, Georgia

Dear Paul:

Effective January 1, 1966, I am being promoted by the Ætna Life Insurance Company to the position of District Manager of our Savannah, Georgia, Office. I will continue to be connected with the Atlanta Agency and available to continue servicing your life insurance needs on both your present contracts and any additional contract you, your family, or friends may desire.

On various occasions throughout the year I will be in Atlanta; therefore, I will be in contact with you from time to time. Should you have any specific questions you would like answered at any time please feel free to contact me at 310 First Federal Savings & Loan Association Building, Savannah, Georgia, telephone 233-0136. On routine matters, such as questions concerning your contracts, loan values, and beneficiary changes, please feel free to contact the Henry A. Maddox Agency in Atlanta, telephone 524-1734, and they will be most happy to help you.

Once again I would like to take this opportunity to thank you for the confidence you have placed in me by allowing me to handle your insurance program, and look forward to continuing this association in the future as we have in the past.

I want to wish for you and your family a very Happy Holiday Season and a successful New Year.

Sincerely,

Lance

Lance F. Dobson, C. L. U.
Supervisor

LFD:ath

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*Board of Directors

AMERICAN FRIENDS OF VIETNAM

INCORPORATED

A non-partisan group organized in support of a free and democratic Republic of Vietnam

143 MADISON AVENUE • NEW YORK, N.Y. 10016 • 679-7462

January 10, 1966

MS - file

Mr. Paul Anthony
Southern Regional Council
5 Forsythe Street
Atlanta, Georgia

Dear Paul:

This morning I received a call from Mr. Peter White of Education for Freedom in Atlanta. For the past month, I have been working with Mr. White on a project with students organizing a program of support for President Johnson's policy in Vietnam. One of the things we have both been concerned about for some time is the racial composition of the group. While the group is not segregated in nature, we feel that not enough effort has been made to fully develop contacts with the negro student community.

Mr. White called this morning to bring to my attention what he feels is an unfortunate polarization taking place in Georgia between the white and negro communities on the question of Vietnam. The SNCC position and the question of Julian Bond's seating as a member of the Georgia legislature seem to have brought the problem to a head.

I have asked Mr. White to call you and discuss with you his thinking on the problem. I have also suggested to him that you might be able to put him in contact with members of the negro community who would support the President's policy in Vietnam in order to more fully integrate the activities of the "Affirmation: Vietnam".

I hope you will be able to give Mr. White some help in this area. I think it would be unfortunate if the Vietnam issue became an excuse for the "red-necks" to red-bait the civil rights organizations as well as the negro community. I fear that this may happen and feel that everything should be done to have people on both sides of the issue from the negro community be actively involved. in the various organizations

I guess I haven't had a chance to congratulate you on your new job. I hope it is going very well for you and look forward to seeing you somethime in the not distant future either in New York or in Atlanta. If you see Connie, give her my regards.

Sincerely,

Greg

Contributions are deductible from taxable income

Gregory M. Gallo, National Field Coordinator

(PS over)

By the way Peter White is a liberal and OK on Civil Rights. Thanks for any help you give him

L.

CROSS REFERENCE SHEET

NAME OR SUBJECT

Dr. and Mrs. Richard Arrington

REGARDING

Conferring of Doctor of Humane Letters Degree on
PA March 17, 1967

DATE

3/22/67

(SEE)
NAME OR SUBJECT

MILES COLLEGE

File
"A" Gen.

June 8, 1967

Dr. John J. Mallet
Director
Atlanta Consulting Psychologists Group
133 Strickler South Doctors Building
1285 Peachtree Street, N. W.
Atlanta, Georgia 30309

Dear Dr. Mallet:

Thank you for your offer of service. At the moment I know of nothing that is available with us, though we shall certainly keep your firm in mind.

In the meantime, should you be in our general vicinity we would welcome a visit from you.

Sincerely yours,

Paul Anthony
Executive Director

PA/mmj

ATLANTA CONSULTING PSYCHOLOGISTS GROUP
133 Strickler South Doctors Building
1285 Peachtree Street, Northeast
Atlanta, Georgia 30309
Telephone 873-5519

John J. Mallet, Ph.D.
Director
Peter N. Mayfield, Ph.D.
Senior Associate

Clinical Psychology
Psychotherapy

May 29, 1967

Mr. Paul Anthony, Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N.W.
Atlanta, Ga 30303

Dear Sir:

The members of this Group would be interested in making available any psychological services which might fit in with an on-going or developing program by your Agency.

We have had considerable experience at a consultation, planning, testing, and therapeutic level. We are familiar with public agency work and have served Federal, State and private agencies in many capacities.

If there is any opportunity available, we would be pleased to hear from you.

Sincerely,
ATLANTA CONSULTING PSYCHOLOGISTS GROUP

John J. Mallet, Ph.D.
Director
Clinical Psychologist

JJM:rm

Memo from **MILDRED JOHNSON**

File "A" gen.

Paul —

Have you talked with Palmour this morning —

Is it necessary for you to get someone on the staff to do this?

mj

Palmour called; mj

Sharecroppers - 9:30

Acln

SRC - 11:30 or 12:00 Noon

June 27th

mj

Bring up June 23, 1967
PA - Ed Jody
Robinson Farm Camp
about day group

June 19, 1967

Mr. Ed Hamlett
Box 330, Route 1, % FSC
Swannanoa, North Carolina 28778

Dear Ed:

Will be delighted to have ypur group visit on June 27th and will work out the specifics with Jody when he calls.

Best.

Sincerely,

Paul Anthony
Executive Director

PA/mmj

ANTIOCH-PUTNEY GRADUATE SCHOOL OF EDUCATION
URBAN TEACHING INTERNSHIP CENTER
ROPER JUNIOR HIGH SCHOOL, 48TH AND MEADE, N.E., WASHINGTON, D.C., 20019 TELEPHONE (202) 399-0886

Box 330, Route 1, % FSC
Swannanoa, N.C. 28778
June 18, 1967

Mr. Paul Anthony
Executive Director
The Southern Regional Council
5 Forsyth St.
Atlanta, Georgia 30303

Dear Mr. Anthony:

Jim Terry of the Antioch-Putney staff has asked me to conduct a tour of the South for twelve students from the school. We will begin in Durham tomorrow. We expect to be in Atlanta on Tuesday, June 27, and I would like to bring them to the SRC office at that time.

Most of the students are returned Peace Corps Volunteers who have been interning in all-Negro public schools in Washington and Baltimore during the past school year. With one exception, they have had no experience in the South. If you could arrange for someone to familiarize them with SRC's work, I would appreciate it.

I have asked Jody Palmour of Emory to contact you as he will be arranging our schedule while we're in the city.

I hope this will not inconvenience you.

For a New South,

Ed

Ed Hamlett

See "ad" gn'

January 5, 1968

Mr. Samuel Adams
St. Petersburg Times
St. Petersburg, Florida

Dear Sam:

Mrs. Larson has passed on to me your gracious invitation to stay at your home while in St. Petersburg. Regrettably, I am almost certain I shall have to return to Atlanta that evening.

However, I do look forward to seeing you and Elenora.

Best.

Sincerely,

Paul Anthony
Executive Director

PA/km

Cannot attend

The Board of Directors

of

The Atlanta Children and Youth Services Council

Invites You and Your Organization

To Its Annual Meeting

on

October 10, 1968

11:30 A. M. – 1:45 P. M.

Atlanta Press Club

Called Sept 23, 1968 mj

R.s.v.p. by October 3, 1968
522-4463
Extension 437

Luncheon – $3.50

Please Reserve _____ Luncheon(s) for
The Youth Council's Annual Meeting
on
October 10, 1968
11:30 A. M. – 1:45 P. M.
Atlanta Press Club

Signed

_____
Name

_____
Agency

_____
Phone

Return Reservation Card to:
Mr. Robert M. Wood
The Atlanta Children and Youth Services Council
1201-B City Hall
Atlanta, Georgia 30303

10 MARCH 1969

Paul

Really don't expect to get job - However their reactions after seeing the phoney trash in the newspaper articals should be worth the trouble of applying -

Should be interesting to see if the want individuals who can do the job or credentials.

Thanks for your help in advance

Walt.

ECONOMIC OPPORTUNITY ATLANTA, INC.
101 MARIETTA STREET BLDG.
ATLANTA, GEORGIA 30303
Walter Anderson

ATLANTA, GA FEDERAL ANNEX
MAR 0 PM

6¢
FRANKLIN D. ROOSEVELT
U.S. POSTAGE

ATLANTA
MAR

Mr. Paul Anthony, Director
Southern Regional Council
5 Forsyth Street, N. W.
Atlanta, Georgia

After spending seven years and ten months in the Marine Corps, I was honorably discharged in San Francisco, after traveling around the country a few months, I came to Atlanta, where I worked at odd jobs until in 1962-1963, I became involved in Demorcatic Party Canidate's campaigns. I discovered that I had the ability to organize communities and politicians began to turn to me for help in campaigns. However, I became disllusioned when candidates I has supported failed to keep their campaign promises, and I subsequently left the hypocrisy of campaign politics.

I got involved working for several civil rights organizations, but considered myself not a civil rights worker but a human rights worker, enabling me to avoid the self-alination such work sometimes involves and communicate with both black and white communities, ghetto and well-to-do. This ability to talk to people of conflicting interest and attitudes(i.e. the poor blacks and white politicians) influenced EOA to recurit me to help organize in Atlanta in 1965. The first step wast to go into the communities and discover the natural areas and to begin the work of Community Organization and set up Advisory Boards. The object was to help organize these Technicial Neighborhood Boards to bring together the poor whites and blacks of the neighborhoods. These were the steps preperatory to the eventual organization of Neighborhood Service Centers and were realized with the perspective of being eventual liasons with the City, Welfare Agencies, Educational functions and United Appeal agencies. The point of concentration in the organization of the Advisory Councils were the youth's needs of the area in home conditions, jobs, educational institutions, recreational and cultural opportunities. Durning this period of organization of EOA, I was commissoned to set up a bi-racial committies. And was able to do this on the common ground ground of economic need.

Durning the same year, I was appointed by Mr. Dan Sweat, Administrative Assistant to the Mayor, to assist in organizing the Neighborhood Youth Corps in Atlanta, I reruited over 800 young people in a three month period from the local communities. This was accomplished not through existing agencies, but through personal direct contact with the youth involved.

This work entailed couseling for a work situation, advising the youths on personal experience and apperance as well as where to look for a job; these and others were the elements that had to go into the preperation and training for employment. The youths involved were all hard-core delinquent types that had dropped out of school.

In 1966, I organized a project which attracted the attention of both City and National Goverments as a new concept of organization directed to meeting the needs of hard-core juvenile deliquents with a criminal record. This program was known as the "House of U.S.E." (Understanding, Stimulation and Education). The project was designed in a street worker framework, its purpose being to acquire job training and job development education and couseling programs and have a center where the youth could feel at home. All had criminal records; Judges sent youths to the"House of U.S.E."for help. The federal funds to the project were suddenly cut and to keep the House alive, I donated personal funds and was eventually forced to declare bankruptcy. This House of U.S.E. showed other agencies the need for this type of involvement, and now they concentrate on similar efforts to involve the hard core deliquent in their programs.

The Board of Directors includes many of the most influential men in Atlanta, for the project was sold to them not in terms of charity but in terms of economics. Community Orgainizers came to the project to

design others similar to it in their own communities.

I have worked with over 500 youths, who had records, to date, only thirteen returned to prision.

In 1967, I returned to Economic Opportunity Atlanta, Inc., as the Director of Youth Development. In this position, I was instrumental in the organization of youth programs involving recreational, cultural and employment opportunities in areas which had not previously organized : Techwood, Blair Village, West End, Summerhill, Pittsburgh, Cabbagetown and the Boulevard Area. All these programs were set up in lower income areas of the city resulting on the organization of seven full-time youth centers in these areas.

In the summer of 1968, Atlanta developed an increased recreation, employment, and cultural program for young people across the city and outlying regions. I assisted in writing the proposals for the Atlanta summer recreation programs, including the budgets and personnel expenditures. The proposals included not only EOA but other community agencies in the areas involved. It has been considered the most comprehensive recreational program in the country.They were presented to Washington and brought $ 600,000 into Atlanta from the Federal Goverment.

The theroy of these proposlas was to employ and involve as many youth as possible not being served by any agency with the intent of continuing programs beyond the summer, The frame of reference of the proposals was to place the responsibiliites not on an outsider, but on young people of the area. The program was oriented to youth councils representing the community and its needs rather than the superimposed external structure elements.

I helped get the Young Men's Civic League chartered. The League's purpose is to prevent young people from entering a life of crime, the

method being to hire ex-convicts as job recruiters in the ghettos who now work for the Labor Department. Three thousand youths and young adults were recruited in a ninety-day period. In addition, I helped develop a program for the probation of those eligible from Reidsville State Prision and the Alto Industrial School by acquiring jobs for them-making parole possible.

I have conducted investigations for the Atlanta Commission on Crime and Juvenile Deliquency that contributed to their 1966 report, Opportunity fro Urban Excellence. The report was complied under the direction of Hugh Peterson, Jr., Esquire, of King and Spalding Attorneys.

I have written numerous artivles that appeared in "SRC" "New South" the Atlanta Journal and Atlanta Constitution, Amercian Profile (a nationally syndicated radio program), and others; one of these articles is being made into a film, In addition I have lectured at the University of Georgia Georgia State College, Emory University, Atlanta University, Federal City College and Auburn University. Presently, I am the Director of Youth Development for Economic Opportunity Atlanta, Inc., and am working on a follow-up ~~report~~ program of the Alto Industrial School project. And many other youth programs.

April 10, 1969

Mr. Samuel Adams
St. Petersburg Times
St. Petersburg, Florida

Dear Sam:

Hearty congratulations on the well-deserved award.

I am very sorry I missed seeing you.

Sincerely,

Paul Anthony
Executive Director

PA/mmj

Copy to
Walter Anderson
Peace Corps
E. O. Bell
101 Marietta St. N.W.

PEACE CORPS

Washington, D. C. 20525

April 14, 1969

Mr. Paul Anthony
Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N. W.
Atlanta, Georgia 30303

Dear Paul,

Lou Mitchell has asked me to reply to your letter. He has recently been appointed Peace Corps Director in Afghanistan and is hard at the language study. You may have to visit him there in lieu of his visiting you in Atlanta.

Walter Anderson's application is, indeed, in the machinery. He seems to be an unusual candidate. We hope something will turn up for him. However, because of recent legislative cutbacks in federal employment, we have very few positions open. When a suitable vacancy occurs, we will certainly consider Mr. Anderson.

Your interest is appreciated.

Sincerely,

Nancy Graham

Nancy Graham
Staff Recruitment Officer

CROSS REFERENCE SHEET

NAME:

ALLEN, Mr. Archie E.
Commission for Human Development
State of Tennessee
C3-305 Cordell Hull Building
Nashville, Tennessee 37219

REGARDING:

$425.00 grant, representing expenses involved in transcribing tapes relative to the writing of John Lewis's biography.

DATE(S):

Allen's ltr. dtd. June 25,
Paul Anthony's reply dtd.
June 27, 1969

SEE:
(NAME OR SUBJECT)

"HU" Section of files in folders related to Human Relations Agencies (General)

SEE ALSO:
(NAME OR SUBJECT)

Arrow, Inc.

When Will This American Indian Child Catch Up.....

.....With The Rest Of The World?

• • •

For years this American Indian child lived within his own culture and environment — a culture that did not require knowledge of modern time, savings and labor.

The early American Indian followed streams and waterways seeking game, fruits and roots that furnished him with food, clothing, tools and shelter.

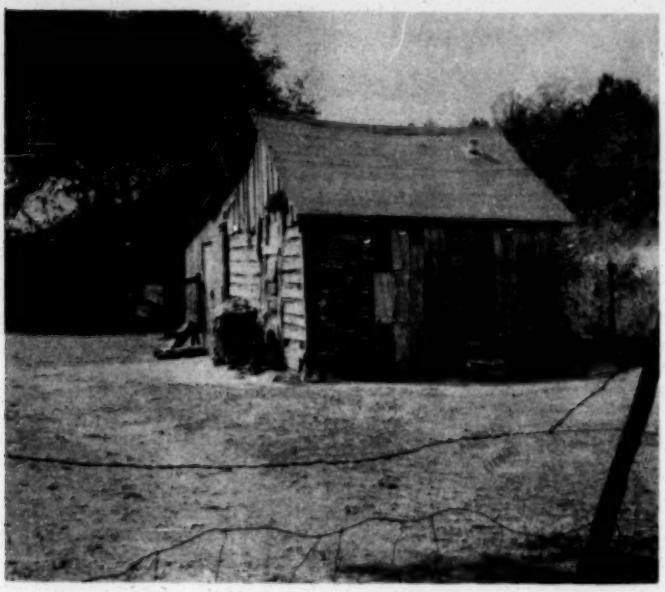
But then came the whitemen; explorers, farmers, missionaries and traders. They burst forth upon the land, ripped through its forests, plowed up the rich grazing lands, laid iron rails across its broad expanse. Then for the protection of the non-Indian and the Indian, the Federal Government made numerous treaties with the tribes and set out areas of land within which they could live. The American Indian loved his land, a feeling so well expressed by Chief Joseph of the Nez Perz:

"The earth is my mother. I was made of the earth and grew up in its bosom. The earth, my mother and nurse, is very sacred to me; too sacred to be valued for gold and silver. I cannot give up my mother, the land that raised me. We are all content here. I will not trade these

and my habit of going where I please for this new life which you propose for us."

Unfortunately, American Indians were accorded scant attention during the three quarters of a century that began with the creation of the reservations and ended with the Second World War. Isolated from most of their neighbors by distance and cultural differences, the American Indian has been commonly regarded as little more than a picturesque addition to the scenery. Poor roads alone were enough to keep most Indians in and most visitors out.

Serious problems still confront the Indians of the United States. Most Indians are poor. On most reservations whole families subsist on incomes of less than $750 annually. In a number of communities at least half of the wage earners receive welfare assistance for part of the year. Indian homes are almost universally below



accepted non-Indian standards; only a few homes have running water or electricity and sanitary facilities are lacking.

Many an Indian child is not attending school regularly. Health statistics, often a reliable guide to the well-being of a people, reveal Indians have a life expectancy of 37 years, compared to a non-Indian average of 62 years. The incidence of tuberculosis is 9 times that of the general population. Intestinal diseases are 11 times higher among Indians than for the country as a whole. Few Indians are participating in social processes outside their home communities. Only a handful of Indians have held state or county offices and many, for want of communications and economic stability, are prevented from taking an active interest in the affairs of their own tribal government.

Arrow, Inc. is a tax-exempt organization formed to assist Indian people in self-help community or group programs and projects.

ARROW MAKES IT POSSIBLE FOR INDIANS TO:

TRAIN LEADERS through scholarship grants and

experience in community program planning and management

IMPROVE HEALTH through health education, sanitation and home improvement programs; information on the use and value of medical services

IMPROVE EDUCATION through providing opportunity for adult education and vocational traning programs, as well as materials for sewing groups and visual aids in community work

DEVELOP RESOURCES through seeking adequate water supplies for domestic use and to defeat disease; through stimulating the development and protection of resources through surveys

DISSEMINATE INFORMATION through educational programs and informational bulletins; inform the general public on facts pertaining to Indian affairs

These projects are designed by Indians for Indians and are administered by Indians. Beginning with individual communities, tribes and pueblos, Arrow, Inc. works with Indian leaders who are moving in constructive directions and driving home their programs which will assure continuing group support.

This is the background of today's Indian child. He is a vital part of America's past. He will be a vital part of the future. But he cannot make it without YOUR help!

Please join with Arrow in helping these American Indian children and their families. The future of this child — working within a community — improving his home — securing an education — depends on you!

OF

BY

FOR

THE AMERICAN INDIAN

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LOUIS R. BRUCE, JR. (Sioux) ..... President
PERU FARVER (Choctaw) ..... Vice President
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ARROW, INC.

605 14th St., N.W., Washington 5, D.C.

All contributions deductible for income tax purposes.

JF ✓
PR ✓
MMB ✓

NOTICE OF CHANGE OF ADDRESS

Please be advised that our address has changed:

Rev. or Mrs. Ralph D. Abernathy

Old Address: 1327 So. Hall Street
Montgomery, Alabama

New Address: 76 Cerro Street, N.W.
Atlanta 14, Georgia

Counties.

Paul A. Anthony

V I

L D

I understand this place is available for meetings e.g. legal aid funds in holding one there

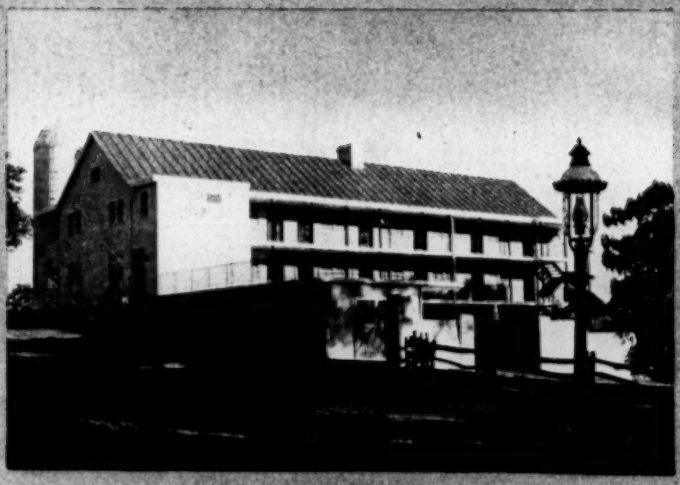
AIRLIE HOUSE is operated by Airlie Foundation as an educational and research conference center. The facility is offered for use to groups who wish to study and work in privacy and informality. The primary purpose of The Center is to encourage the exchange of ideas and to provide a forum for the discussion of the problems within our society.

Airlie House is the first rural center of its type accessible to the Nation's Capital. Distinguished speakers are readily available from private life, The Congress, government agencies, research centers, universities, and industry without the problems of

excessive expense or time lost in travel. This Center, therefore offers distinct advantages for conferences in national and international affairs.

Airlie House is operated by Airlie Foundation, a non-profit corporation chartered by the Commonwealth of Virginia. The facility is not operated to produce a continuing profit. Airlie House is designed to provide a modern, functional conference center maintained in a rural setting. Charges for the use of the Center are contingent upon achieving these goals.

Airlie House



Silo House

International House

Conferences at Airlie

During its first years of operation, Airlie has achieved a distinguished reputation in the conference field. Outstanding groups of educators, scientists, government officials, diplomats, students and many others from all parts of the world have participated in conferences and seminars here.

A successful conference requires special skills in planning and a special atmosphere to achieve its purpose. The staff at Airlie has a wealth of experience in providing the necessary elements for serious conferences. The center itself has been designed specifically to offer visitors the privacy and freedom from interruption that allow them the time and the atmosphere in which to think and to exchange ideas.

Accommodations

Two large Georgian manor houses form the nucleus of the center. They have been restored and enlarged to provide excellent conference facilities, while maintaining the traditional feeling of the Virginia countryside. Several large conference rooms for groups of up to three hundred people and a number of smaller rooms for group sessions and smaller meetings are available. Because of the physical relationship of the conference rooms, several groups may meet simultaneously in privacy without interruption.

Sleeping accommodations are situated in nearby restored buildings, all of which are within a few minutes' walk of Airlie House itself. Rooms are modern, air conditioned and are furnished in a simple and comfortable fashion that befits the country. Two hundred guests may stay overnight. If necessary, others may be accommodated at a nearby modern motel.

The kitchens at Airlie have been provided with the latest equipment. Cuisine is varied but specialized toward food native to Virginia. The management prides itself on serving interesting food in a pleasant atmosphere.

Conference Planning

The Airlie staff is ready to assist in planning conferences and in coordinating arrangements. The center requests that each conference director make a personal visit to Airlie to plan his conference in order that the arrangements will be wholly satisfactory.

Services and Equipment

A medical clinic has been established on the Airlie grounds to provide care for guests of the center.

Projection facilities for slides and motion pictures are available.

Audio taping by the resident staff may be arranged.

Special equipment may be obtained from Washington.

Laundry and dry cleaning services are available daily.

Barber and shoe shine are available by appointment.

Stamps, film and other articles may be ordered through the front desk.

Communications

Through Airlie Productions, a division of the foundation, documentary films may be planned and produced for training, broadcast and audience viewing.

Candid and portrait photography may be done by our staff photographers.

Publication and reproduction of conference reports and abstracts may be arranged.

REPORT FROM AIRLIE, a series of special, half hour, color television presentations are broadcast at intervals throughout the year. These programs cover a wide range of subjects.

Other programs are produced in cooperation with appropriate sponsoring institutions for broadcast and private viewing.

Church Information

Churches of all faiths are located in nearby Warrenton.

Recreation

Game Preserve—A large, private game preserve provides six months of excellent upland game shooting (October through March). Guides, dogs, guns and ammunition are available.

Airlie Lodge—A charming rustic hunting lodge is situated on the grounds for your informal enjoyment during the day or in the evening. It has been the scene of many gatherings at which conference participants could relax and enjoy themselves. A skeet field is nearby.

Swimming—A beautiful heated pool has been provided for your pleasure.

Gymnasium—A Sauna, Steam and Hydro-therapy room is available.

Fishing—Lakes and streams provide excellent fresh water sport.

Hiking—The countryside is ideal for a quiet walk or for a more ambitious hike through open, rolling fields and forests.

Tennis—A tennis court is located on the grounds for your use.

Riding—Quarter horses are available for trail riding with a choice of English or Western tack.

Golf—Two courses are available nearby. Transportation is provided.

Side Trips—Trips to the many historic shrines of Virginia may be arranged. The Manassas Battlefield, Thomas Jefferson's "Monticello", Colonial Williamsburg and the Virginia Tidewater country are all accessible from Airlie. The Skyline Drive and Shenandoah National Park are less than an hour away. The city of Washington, with its endless opportunities for sightseeing is forty-five miles away.

Location and Transportation

Airlie is located three miles west of Warrenton, Virginia on a 1200 acre estate in the foothills of the Blue Ridge Mountains. It is accessible throughout the year by four-lane highways from Dulles International and Washington National Airports as well as from Friendship International Airport in Baltimore. A heliport is available on the grounds, and a private landing strip is planned. Chartered buses and other private transportation from Washington may be arranged. There is regular bus service between Washington and Warrenton. Driving time is one hour from the Potomac River bridges.

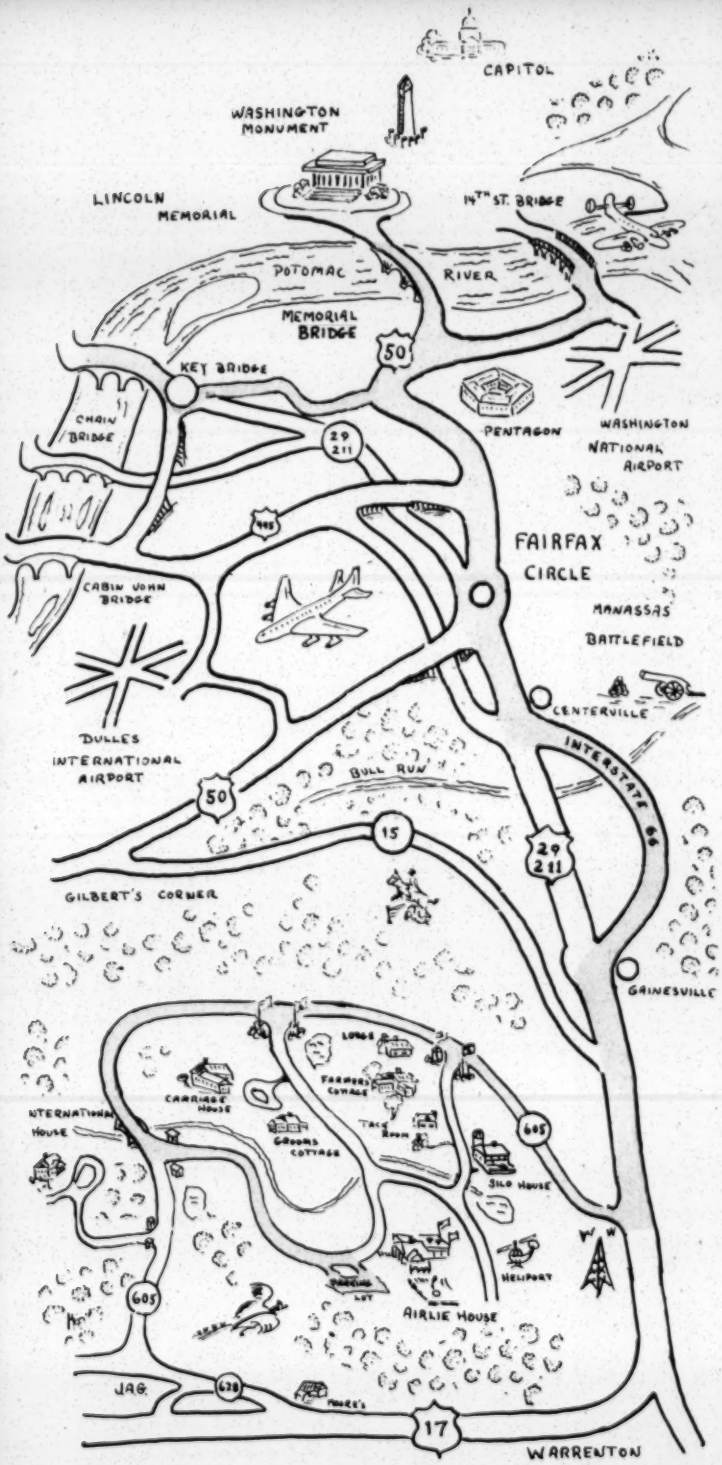
For further information, write or call

AIRLIE FOUNDATION, WARRENTON, VIRGINIA
Warrenton, Va. 347-1300, Area Code 703
Washington, D. C. 273-6554, Area Code 202

The Airlie Pool

Conference in session

Filming an Airlie Report



From the Potomac River bridges, follow the shaded route to Airlie House.

This map will also aid conferees in locating Airlie Buildings.

AIRLIE

Fi, misc.

ARTHUR H. LEWIS
6605 NORTH 10TH STREET
PHILADELPHIA 26, PA.

March 18, 1952

RECEIVED
MAR 20 1952
Southern Regional Council

Dear Doctor Mitchell:

This will confirm our telephone conversation this morning relative to an appointment with you for 11 A. M. Wednesday, March 26, to discuss a letter sent to you by Governor John S. Fine of Pennsylvania. I'm looking forward to seeing you.

Sincerely yours,

Arthur H. Lewis

Dr. George S. Mitchell, Executive Director
Southern Regional Council
63 Auburn Avenue
Atlanta, Georgia

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
HARRISBURG

JOHN S. FINE
GOVERNOR

March 7, 1952

RECEIVED
MAR 10 1952
Southern Regional Council

Dr. George S. Mitchell
Executive Director
Southern Regional Council
63 Auburn Avenue
Atlanta 3, Georgia

Dear Doctor Mitchell:

The present world situation is a challenge to every one of us. There is today widespread unrest among nations; there is a rising tide of nationalism among those we used to regard as benighted peoples. The past twenty years have seen the resurgence of bigotry, persecution, and intolerance in the world. I could cite an unending series of examples of man's inhumanity to man.

I am sure that all thinking people of good will want to understand these forces and the tragic consequences which can overtake us if we in America do not take aggressive measures to prevent their growth. I am firmly of the opinion only governments can establish the climate for understanding, and that individuals must be given the opportunity to participate in effective action to halt the spread of intolerance. It seems to me that there are wide areas of agreement from which men of various races and creeds can embark on a program of mutual trust and action not only for the benefit of America but also for the better understanding of world problems.

In view of these desirable objectives and because of the great need for common understanding I will appreciate your reading the enclosed draft of a program known as "The Aaronsburg Story", which we will later pursue. To me it is a thrilling attempt to give substance and permanency to an idea carried out two years ago during Pennsylvania Week at Aaronsburg.

In a short time Mr. Arthur H. Lewis will telephone you for an appointment. If you would arrange to see Mr. Lewis and give him your comments and criticism of our contemplated project, I would greatly appreciate it.

With best wishes,

Cordially,

Encl.

FIRST DRAFT OF AARONSBURG STORY PLANS

A man is a man, regardless of his religion, his race, his color.

A stronger America, and a world truly at peace, will become a reality only when there is complete religious understanding and a perfect friendly coordination among peoples of all faiths, beliefs and backgrounds.

While we recognize these concepts as self-evident, most of us give them only lip-service. Basically, they do not exist to the universal point where it can be said that every man is a brother of the next. If they did, there would be little unrest in the world and rare cause for strife in the United States.

Of course there have been efforts made to produce this idealistic condition but the present state of world and national affairs is shocking proof that the attempts have not been of sufficient strength.

There is the United Nations, world peace organization, striving desperately to improve relations among nations with some measure of success. Yet, the negotiations are carried on by diplomatic officialdom, of necessity weighted down by language barriers and protocol. This is an effort from the outside in, but nowhere is there an organization seeking complete peace where the common, average man - the inner core - is trading his thoughts and hopes and ideals with his counterpart from other sections of this great nation and from other lands - the inside working outward.

Leadership for such an organization is needed and it is obvious that this leadership must come from within the United States, whose constitution and bill of rights are dedicated to a series of fundamental freedoms.

On October 23, 1949, in the tiny town of Aaronsburg, Centre County, Pennsylvania, more than 30,000 people gathered to witness a program whose sole aim was to exemplify the ideals of American freedom as expressed in religious understanding among peoples of all faiths and colors. The Aaronsburg message was heard throughout the United States and in many foreign lands and its success was hailed by participants of representative levels of our populations.

This simple, one-day experiment in a gathering of humans to deal with a vital social problem - groping for the keystone of a stronger America and true world peace - has inspired a project which would turn that event into a perpetual program designed to spread those ideals, working toward heightening the dignity of man and toward eventual understanding so that freedom in all of its concepts comes to America and to the world at large.

Why is Pennsylvania chosen and why the tiny town of Aaronsburg?

It will be remembered that William Penn, a Quaker, came to the New World to escape religious persecution in his native England. Spurred by the hope that men of all faiths could live together in harmony, he founded what later became the great Commonwealth of Pennsylvania, where people then and now worship the God of their choice and pursue their way of life without fear of harm or persecution.

Why Aaronsburg? The town was founded late in the 1700's by Aaron Levy, a Jew who migrated to Philadelphia from Holland for the very same reason as William Penn. He quickly fell into the spirit of this new land of opportunity, when he presented a large tract of land for the erection of the Salem Lutheran Church so that residents of the town named for him, though of a different religious faith, could have a place to worship. He also provided land for a school and a Lutheran cemetery and a gift of pewter communion service still cherished - and in use - by the congregation.

This example - Aaron Levy's unselfish action and the cooperation among peoples of varied faiths to establish a place to worship - led to the presentation of what was to become known as The Aaronsburg Story on that day in 1949, the 150th anniversary of Levy's gift to the Lutherans. There were simple religious and partiotic services, participated in by representatives of every faith and every race. And farmers, laborers, executives, political leaders, the rich and the poor, the young and the aged, rubbed elbows in the day-long migration to Aaronsburg.

Those on the program included such diversified and outstanding leaders as Rabbi Philip Bernstein, United States Mediator Ralph Bunche, General William Donovan, Pakistan Foreign Minister Mohammad Zafrulla Khan, Supreme Court Justice Felix Frankfurter, Rev. Daniel A. Poling, Dr. Abram Sachar, Reverend Frederick Stamm and scores of other prominent clergymen of the various faiths. The theme of the early morning service, three open discussions and a colorful pageant with more than 1,000 men, women and children from this rural area in its cast, stressed America's heritage of religious freedom and understanding as a basic necessity for world peace. Senator James H. Duff, then governor of Pennsylvania who was an active chairman for the program, proclaimed the last Sunday in October as Pennsylvania's Tolerance Day as a result of the program's success. The present governor, John S. Fine, has continued Tolerance Day and has pledged complete support to the ideals of The Aaronsburg Story making available Commonwealth facilities in efforts to perpetuate its message.

A committee composed entirely of residents of Centre County, living within a 30-mile radius of Aaronsburg, handled all the details for The Aaronsburg Story. It is this same group which has conceived and is carrying out the present plans to make Aaronsburg a 365-day-a-year working shrine dedicated to religious and intellectual understanding.

The perpetuation plan includes:

1. A constant series of meetings for seminars on all phases of the humanities with the single purpose of brotherhood for peace and freedom.

2. An educational program enveloping instruction and learning designed to spread light where there is darkness.

3. An annual pageant to present graphically this historical background of America's freedoms and their role in national serenity and world peace.

The meetings, discussion groups, and seminars, both patriotic in theme as well as religious and embracing all of the humanities, would bring together the representatives of the average American - and later on, peoples from other lands - to exchange knowledge, ideas and projects to strengthen freedom and understanding. There would be meetings of selected groups of clergymen from all parts of the nation, a gathering of youth groups, labor leaders and organizations, industrial representatives and so on into every phase of modern living.

The educational program would include the sponsorship of a chair of learning at the Pennsylvania State College and the provision of many scholarships for special study in all religions and races and human relationships so that educated young Americans would be able to spread the ideals of Aaronsburg. The Pennsylvania State College was selected because of its proximity to Aaronsburg, because of the prominent role it played in the 1949 presentation, and because of its status as a Land Grant College - an institution geared to public service for the average resident of the Commonwealth.

While these projects - the meetings and the educational program - are year-long propositions, it is planned, too, to add a summer presentation of an historical pageant displaying with all the color and imagination of the original effort the story of American freedoms in the graphic manner which often-times is grasped more clearly than are other methods of telling a story, supplementing the academic approach with a visual appeal to the grand masses of people through dramatic representation.

The Aaronsburg perpetuation project is an ambitious one, requiring considerable funds and inestimable planning and plain hard work. Motivated solely by the tremendous objective of creating a better nation and world, all members of the committee are contributing freely of their time and skills and efforts. All faiths are working together on the committee, spurred by the encouragement offered by those who participated in the 1949 Aaronsburg Story, by the hundreds of messages received from parts of the world, and by the realization that here exists an opportunity for a group of average Americans to put into active practice the ideals that all men are equal, that a man is worthy of all the dignities that should be accorded to man regardless of his religious or racial background; that here is a chance to launch "intellectual atomic bombs" to bring about a world truly at peace under the leadership of an America untorn by differences of any origin.

Le, misc.

ARTHUR H. LEWIS
6605 NORTH 10TH STREET
PHILADELPHIA 26, PA.

April 4, 1952

RECEIVED
APR 7 1952
Southern Regional Council

Dear Doctor Mitchell:

I am most grateful to you for the time you gave me to talk about the Aaronsburg Story when I was in Atlanta last week.

I realize the physical and mental effort you must have given to see me then. I hope you've recovered from your trip and our interview.

I thought a great deal about what you said concerning our project, and I believe that ultimately we may be able to align our efforts with those of the Southern Regional Council. Governor Fine will be looking forward to receiving any suggestions you might have for improving our program, as well as the names of any persons to whom you think letters should be sent.

I spent a pleasant hour on Monday with Judge Waring, who wished to be remembered to you.

Sincerely yours,

Arthur H. Lewis

Arthur H. Lewis

Dr. George S. Mitchell, Executive Director
Southern Regional Council
63 Auburn Avenue
Atlanta, Georgia

Fi

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
HARRISBURG

RECEIVED
MAY 21 1952
Southern Regional Council

JOHN S. FINE
GOVERNOR

May 14, 1952

Dr. George S. Mitchell,
Executive Director,
Southern Regional Council,
63 Auburn Avenue,
Atlanta, Georgia.

Dear Doctor Mitchell:

I am very grateful to you for the time you gave Mr. Arthur H. Lewis to talk about the Aaronsburg Story. I understand from Mr. Lewis you were able to see him only at considerable inconvenience to yourself, and for this I am most appreciative.

I noted with much interest the list of persons you think should be consulted. I have asked Mr. Lewis to get in touch with them as soon as possible, and I shall of course apprise them by letter of our contemplated program. Again, may I thank you for your help.

With best wishes,

Cordially,

Fi, mise

April 1, 1952

Hon. John S. Fine
Governor of Pennsylvania
Harrisburg, Pa.

My dear Governor Fine:

When Mr. Arthur Lewis very kindly came to see me here in Atlanta I promised to write on to you some further people that might well be consulted.

In South Carolina, at Mayesville, Mr. James H. Dabbs. A former professor of English at Coker College who, seven or eight years ago, took up the farming of his ancestral acres. White, liberal, widely respected, excellent writer, courageous, forthright, deeply native. Recent chairman of the South Carolina Division of the Southern Regional Council.

Arkansas--Mr. Ocie Lee Smith. A Negro agricultural official employed in Farmers Home Administration, U. S. Department of Agriculture, Little Rock Office. Widely informed on land tenure arrangements and Negro agriculture in the Arkansas-Mississippi-Louisiana delta region.

Mississippi, at Jackson--The Rev. Mr. H. Brent Schaeffer, a Lutheran minister. White, of exceptional courage. Richly informed about the State.

Tennessee, at Chattanooga--Mr. Alfred Mynders, editor of the Chattanooga Times. Courageous, sensible, hard-driving.

North Carolina, at Durham--Mr. John H. Wheeler, Vice-President, Mechanics and Farmers Bank. A principal Negro official of the great Negro bank in North Carolina. Closely associated with the largest Negro business in the world--North Carolina Mutual Life Insurance Company. Young, able, wise.

Florida--Professor M. A. F. Ritchie, Department of Human Relations, University of Miami, Coral Gables. Expert in these matters.

Louisiana--Mrs. Elsie L. Wilson, Council of Social Agencies, 715 Travis Street, Shreveport. Virginia woman managing the charitable enterprises of Shreveport. Interested in race and human relations and interested in doing something that successfully pulls people along.

Hon. John S. Fine, Apr. 1, 1952

Tennessee, at Knoxville--Mr. Paul Christopher, 216 Flatiron Building, State Director of the CIO. Ablest and wisest leader in thirteen Southern States.

Kentucky--Mr. Edward H. Weyler, Secretary, Kentucky Federation of Labor, Louisville. A good AF of L guy. Runs a workers' education show for the AF of L.

Texas--Mrs. William H. Hogue, 4319 Cherokee Street, Houston 19. A South Carolina lady, long resident in Texas, energetic on matters of race relations. Judicious, brave, effective.

Virginia--The Rev. Mr. Emerson Smith, Department of Interracial Cooperation, Virginia Council of Churches, 109 West Grace Street, Richmond. One of the few paid persons in this field in the whole South. Well informed and brave enough.

Oklahoma--Professor O. D. Duncan, Oklahoma A&M College, Stillwater. Competent and informed sociologist.

I was impressed with the many virtues of the program you have engaged upon.

Respectfully,

George S. Mitchell
Executive Director

GSM:ec

ARTHUR H. LEWIS
6605 NORTH 10TH STREET
PHILADELPHIA 26, PA.

ADMINISTRATIVE SECRETARY
THE AARONSBURG STORY

October 28, 1952

Dear Mr. Fleming:

I understand from Doctor Mitchell you'll be with us November 20-22 to work out a program for the Aaronsburg Story. We will be delighted to have you then and are looking forward to meeting you. As Doctor Mitchell no doubt told you, your expenses will be paid by the Aaronsburg Story.

Just as soon as transportation details have been straightened out we'll send them on to you.

Sincerely yours,

Arthur H. Lewis
Administrative Secretary

Mr. Harold Fleming, Assistant to Director
Southern Regional Council
63 Auburn Avenue N. E.
Atlanta, Georgia

ARTHUR H. LEWIS
6605 NORTH 10TH STREET
PHILADELPHIA 26, PA.

ADMINISTRATIVE SECRETARY
THE AARONSBURG STORY

November 6, 1952

Dear Mr. Fleming:

I thought you might like to see the list of people who are attending our November 20 Conference, so I am enclosing it.

I had hoped to be able to work out a tentative agenda before the conference, but instead I'm only able to give you a schedule.

First of all, there'll be an informal get-together Thursday evening at the hotel. The real sessions will begin the following morning at 8:30 A. M. at State College, and will continue there until noon. We'll reconvene at 1:30 P. M. at the church in Aaronsburg. This session will be followed by a Pennsylvania Dutch Dinner at the church, where members of the conference will have an opportunity to meet the people of Aaronsburg. We'll adjourn until the following morning at 9 A. M. The conference should be over by noon that day.

I am listing the transportation possibilities. If you intend to fly the nearest accessible airline landing fields are at Lock Haven and Clearfield, Pennsylvania, serviced by All American Airlines, whose flight schedule I've enclosed. If you decide to travel that way we'll be very happy to meet you at either point. Since All American makes rather frequent changes in schedule it might be well to check with your travel agent.

If you expect to travel by train there is service out of Philadelphia on the Pennsylvania Railroad. The Pennsylvania Train 25 leaves North Philadelphia at 9:38 A. M. and arrives at Lewistown at 12:50 P. M. The other train, Number 23 also on the Pennsylvania, leaves North Philadelphia at 4:20 P. M. and arrives at Lewistown at 7:22 P. M. Naturally we'll meet you at Lewistown, the closest railroad point to State College, whenever you arrive. As soon as possible will you let me know how and when you expect to arrive?

We'll be looking forward to seeing you November 20th.

Sincerely,

Arthur H. Lewis
Administrative Secretary

Mr. Harold Fleming
Assistant to Director, Southern Regional Council
63 Auburn Avenue N. E.
Atlanta, Georgia

REPRESENTATIVES AT NOVEMBER 20 CONFERENCE

1. Mr. Joseph N. Bustard, Assistant Commissioner of Education, Division Against Discrimination, State of New Jersey Department of Education

2. Mr. Harold Fleming, Assistant to Director, Southern Regional Council

3. Mr. John C. Goodbody, Colonial Williamsburg

4. Dr. William H. Gray, Jr., Pennsylvania State Employment Service

5. Dr. Charles S. Johnson, President, Fisk University

6. Dr. J. Oscar Lee, Executive Director, Department of Racial and Cultural Relations, National Council of the Churches of Christ

7. Mr. Henry Lee Moon, Director of Public Relations, N A A C P

8. Mr. Richard T. Reed, Editor, Catholic News

9. Dr. Frederick T. Rope, Education Liason Officer, United States Mission to the United Nations

10. Mr. Gilbert W. Stewart, Jr., Press Advisor, United States Mission to the United Nations

11. Dr. Rupert B. Vance, Kenan Research Professor, Institute for Research in Social Science, University of North Carolina

12. Mr. Julius A. Thomas, Director, Department of Industrial Relations, National Urban League

13. Mr. Lester Waldman, National Program Director, Anti-Defamation League

THE AARONSBURG STORY

A perpetual monument to religious and racial understanding

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Ebon Bower

J. Thomas Mitchell

T. Ellwood Sones

Lee H. Bull

William R. Gordon

Rabbi Benjamin M. Kahn

Eugene J. Reilly

Louis H. Bell

November 17, 1952

Dear Mr. Fleming:

I was delighted to receive your letter of November 13 telling us you will arrive at Clearfield-Philipsburg Airport at 7:50 P. M. Thursday, November 20. Of course we'll meet you there and drive you in to State College.

If flying conditions are bad, or if you should plan to arrive some other way, please call me collect at State College 6733 or State College 3001.

Unless I hear from you to the contrary we'll expect you then as per your schedule.

Sincerely yours,

Arthur H. Lewis
Administrative Secretary

Mr. Harold Fleming, Director of Information
Southern Regional Council
63 Auburn Avenue N. E.
Atlanta 3, Georgia

ADDRESS:
THE AARONSBURG STORY
P. O. BOX 89
STATE COLLEGE, PENNA.

Aaronsburg, Centre County, Pennsylvania

Where 30,000 Americans gathered on October 23, 1949, to observe the 150th anniversary of the Salem Lutheran Church on land donated by Aaron Levy, a Jew.

ARTHUR H. LEWIS
6605 NORTH 10TH STREET
PHILADELPHIA 26, PA.

EC — Move for file

November 24, 1952

RECEIVED
NOV 28 1952
Southern Regional Council

Dear Harold:

I can't tell you how grateful to you we are for your help in making our Aaronsburg Planning Committee Conference the success it was. Just as soon as we have the tape recording put on paper I'll send you a brief resume of what took place.

It was too bad your flights were cancelled, and I do hope you got back to Atlanta without a great deal of trouble.

It was a real pleasure meeting you, and I hope we can get together soon again. Again, thank you for the help you gave so graciously.

Sincerely yours,

Arthur H. Lewis
Administrative Secretary
The Aaronsburg Story

Mr. Harold Fleming, Director of Information
Southern Regional Council
63 Auburn Avenue N. E.
Atlanta 3, Georgia

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
HARRISBURG

JOHN S. FINE
GOVERNOR

November 26, 1952

Mr. Harold C. Fleming, Director of Information
Southern Regional Council
63 Auburn Avenue N. E.
Atlanta 3, Georgia

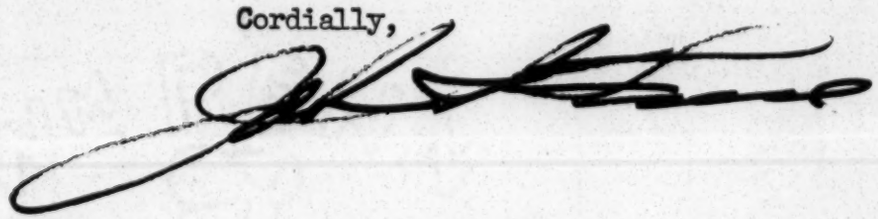
Dear Mr. Fleming:

Mr. Arthur H. Lewis has given me a brief account of the exciting three-day conference on human rights held last week at State College and Aaronsburg.

I wish to thank you for your assistance, and for your willingness to participate in the first of a series of seminars which we hope will do much to promote good will and brotherhood throughout the nation and the world.

With best wishes,

Cordially,



Aaronsburg

February 9, 1953

Mr. Arthur H. Lewis
6605 N. 10th St.
Philadelphia 26, Pa.

Dear Arthur:

Harold and I have gone through the list. One or two corrections. On list A, No. 18, is properly Carter Wesley, not Wesley Carter. No. 115 (Judge Waring) now lives at 952 Fifth Avenue, New York 21.

A Southern businessman who would be interested and is quite influential in his State is James L. Coker, president of Sonoco Products Company, Hartsville, South Carolina. They make paper supplies for textile mills--cones, tubes, spools, bobbins, etc. Makes a modest annual contribution to SRC and is thoughtful in matters interracial.

Otherwise, the list looks pretty good to me, and I have no one to add.

You might be interested in checking over the names of the members of the new Fund for the Republic of the Ford Foundation. Here they are.

James F. Brownlee, partner, J. H. Whitney & Co., New York
Huntington Cairns, lawyer, Washington
Charles W. Cole, president, Amherst College, Amherst, Mass.
Russell L. Dearmont, lawyer, St. Louis
Richard Finnegan, consulting editor, The Chicago Sun-Times
William H. Joyce, Jr., chairman, Joyce, Inc., Pasadena
M. Albert Linton, president, Provident Mutual Life Insurance Co., Philadelphia
George N. Shuster, president Hunter College, New York
Erwin N. Griswold, dean, Harvard Law School
Meyer Kestnbaum, president, Hart, Schaffner & Marx, Chicago

Mr. Arthur H. Lewis, Feb. 9, 1953

Jubal R. Parten, president, Woodley Petroleum Co., Houston
Elmo Roper, marketing consultant, New York
Eleanor Dunstead Stevenson, wife of William Edwards Stevenson, president of Oberlin College, Oberlin, Ohio
James D. Zellerbach, president, Crown Zellerbach Corp., San Francisco

Cordially,

George S. Mitchell
Executive Director

GSM:ec

ARTHUR H. LEWIS
6605 NORTH 10TH STREET
PHILADELPHIA 26, PA.

ADMINISTRATIVE SECRETARY
THE AARONSBURG STORY

RECEIVED
FEB 4
Southern Regional Council

January 30, 1953

Dear Harold:

I do hope you and Dr. Mitchell are well and not too busy to read the enclosed progress report on The Aaronsburg Story.

As you will note, I've also attached Lists A and B. List A consists of those people to whom Governor Fine originally wrote about The Aaronsburg Story. This list sort of "grew" without any real planning so, I'm certain, additions and perhaps deletions may be necessary. I would very much like to have you go over these and add any names you think should be put there, returning the corrected list to me as quickly as possible. I think that to get 100 distinguished Americans we'll need to ask 200. Incidentally, I've put an asterisk on those I've already seen without necessarily having invited them to the Assembly. Actually, until Governor Fine's formal letter of invitation is sent there will be no real commitments made to anyone.

I'll be looking forward to receiving your suggestions and those of Dr. Mitchell and, perhaps, Mrs. Tilly and any additions you care to make to both lists. I hope to be able to see you between now and the June Assembly.

Sincerely yours,

Art

Arthur H. Lewis

Mr. Harold Fleming
Southern Regional Council
63 Auburn Avenue
Atlanta, Georgia

TO: Members of the National Steering Committee January 22, 1953

FROM: Arthur H. Lewis

SUBJ: Report of Progress on the Activities of the Aaronsburg Story since the November 20th Conference of the National Steering Committee.

I - STAFF

Following the suggestions of the National Steering Committee we have expanded our staff to include the following:

A. Miss Martha Kolodziejski, a permanent secretary, who is running our office, now operating on a full-time basis in the State College Hotel, State College, Pa. (Telephone: 3001 or 6733). Miss Kolodziejski has a wide background in secretarial work and spent two years as a civilian with the Department of Army in Germany.

B. Miss Bruna Norsa, a full-time administrative assistant (B.A., Vassar - M.A., NYU). Miss Norsa is a former Fulbright student, who has a background of research in community living both in Europe and the United States.

C. Mr. Fred Bright of Princeton, New Jersey, is directing field activities of Pennsylvanians (outside of State College) who have evinced an interest in our program to the extent of desiring to contribute funds. Mr. Bright has years of experience in public relations.

D. Mr. Jo H. Chamberlin, Jr., a well-recommended writer (whom most of you met) who has done work for the American Assembly, Columbia University, is operating with us on a part-time basis, and at present, is editing the tape-recording of our November 20th conference. From this and from other information received he will prepare a summary of the activities to date, plans for the future, and publicity material. His first report should be in your hands by February 15th.

II - ASSEMBLY SCHEDULE

The dates of the Assembly are June 19, 20, and 21. I doubt if there will be any change in these, but the following breakdown is subject to some slight variation:

Friday, June 19, 8:00 p.m.	- A plenary session in Schwab Auditorium, State College, Pa.
Saturday, June 20, 9:00 a.m. until noon	- Separate discussions in the 6 areas of exploration.

Subj: Report of Progress on the Activities of the Aaronsburg Story since the November 20th Conference of the National Steering Committee.

II - Assembly Schedule (Cont'd)

Saturday, June 20, 2:00 p.m. until 5:00 p.m.	-	Continuation of separate group discussions in the 6 fields.
" " " 7:00 p.m.	-	Dinner (place undecided).
" " " 8:30 p.m.	-	Plenary session and reports from chairmen of the 6 discussion groups.
Sunday, June 21, morning	-	Voluntary attendance at special church services throughout Centre County.
" " " 12 noon	-	Each distinguished citizen will be a Sunday dinner guest in the home of a resident of Aaronsburg or one of the adjoining communities.
" " " 2:00 p.m.	-	Open-air patriotic ceremony on the grounds adjacent to the Salem Lutheran Church in Aaronsburg and addresses by prominent American citizens.
" " " 4:30 p.m.	-	Adjournment.

III - COMMITTEES

A. National Planning Committee: Father John La Farge (S.J.), with whom I spoke last week, has agreed to accept the temporary chairmanship of our National Planning Committee and is willing to call one, and possibly two, meetings of his group between now and the June conference. He will rely upon the National Steering Committee for completion of detail work and, I think, he expects to meet with this group at least once. He has not as yet selected his committee and on List B, which I have attached, are some suggested names contributed by Father La Farge and others. All on this list are acceptable to Father La Farge. He will welcome additional suggestions from you. From this group he expects to chose about 15, which he says is the largest practicable number for this kind of committee.

B. Invitation Committee: This is a misnomer because actually the invitations will be issued by Governor Fine and the local Aaronsburg Story Committee. However, this "Invitation" Committee, if you recall, is to consist of those distinguished Americans who participated

Subj: Report of Progress on the Activities of the Aaronsburg Story since the November 20th Conference of the National Steering Committee.

III - Committees (Cont'd)

in the 1949 celebration. I saw General Donovan on Monday, January 12th in New York. He suggested that instead of sending a letter of invitation, the following men (all present at Aaronsburg in 1949) send a letter to those whom we wish to invite to the Assembly:

Dr. Philip S. Bernstein
Dr. Ralph J. Bunche
General William J. Donovan
Senator James H. Duff
Justice Felix Frankfurter
Dr. Charles S. Johnson
Reverend Daniel A. Poling
Dr. Channing H. Tobias

This letter will describe the signatories' reactions to the original celebration and point out the reasons why the spark generated in 1949 should produce a "bright and continuing flame." General Donovan said he would be happy to sign this letter and he feels certain the others will do the same. I have already spoken to Dr. Tobias, Dr. Bernstein, and Dr. Poling, and all have agreed to sign the kind of letter which General Donovan suggested. Dr. Poling also agreed, if requested, to serve on the National Planning Committee. Dr. Bernstein suggested that since the Assembly will convene on a Friday night it might be appropriate to have Jewish religious services at 7:00 p.m. at State College (with voluntary attendance). Within the next 10 days I expect to see the balance of the possible signatories, at least those who are in the United States.

C. National Steering Committee: On Wednesday, January 14th, a few members (those who were available) of this committee met in the offices of the National Urban League in New York. Those present were Julius Thomas, Lester Waldman, Fred Rope and Arthur Lewis. The purpose of this committee meeting was to try to select potential members of the National Planning Committee, the next step to be taken. As you will note by the enclosed List B, we accomplished this task. It was recommended that a report be sent to all committee members. This is it. Those present agreed a further Steering Committee meeting should be held in about a month. The afternoon of Wednesday, February 11th, was set tentatively. The meeting will be in New York, but the place and time will be decided later. All members of the National Steering Committee will be advised so that, if they are available, they can be present. At this next meeting we hope to have the digest of our November 20th seminar, a list of people who will make up the Assembly, a list of members of the National Planning Committee and any additional information we have gathered. We will then prepare the first draft of the agenda for the Assembly to be submitted to the National Planning Committee.

Arthur H. Lewis
Administrative Secretary
The Aaronsburg Story

LIST A

1. Alexander, Dr. W. W., RD 3, Chapel Hill, North Carolina *

2. Anderson, Marian, RD 1, Danbury, Connecticut *

3. Austin, Warren R., 43 Williams Street, Burlington, Vermont *

4. Baruch, Bernard M., 597 Madison Avenue, New York, New York

5. Benjamin, Dr. Harold, Dean, College of Education, University of Maryland, College Park, Maryland

6. Bernhard, Andrew J., Editor, Pittsburgh Post Gazette, Pittsburgh, Pa. *

7. Bernstein, Rabbi Philip S., 117 Gibbs Street, Rochester, New York *

8. Bigelow, Karl W., Professor of Education, Teachers College, Columbia University, New York, New York

9. Bingham, Barry, President and Editor, Courier Journal and Times, Louisville, Kentucky

10. Block, Paul, Publisher, Toledo Blade, Toledo, Ohio *

11. Bond, Dr. Horace M., President, Lincoln University, Oxford, Pennsylvania *

12. Branscomb, Dr. Harvie, Chancellor, Vanderbilt University, Nashville, Tenn.

13. Buncho, Dr. Ralph J., United Nations, 43rd Street and First Avenue, New York, New York *

14. Carlson, Dr. William S., President, University of the State of New York, Albany, New York *

15. Carmichael, Dr. Oliver C., President, Carnegie Foundation for Advancement of Teaching, 522 Fifth Avenue, New York 18, New York *

16. Carpenter, Walter S., Jr., Chairman, E. I. du Pont de Nemours and Company, 18th Street and Rising Sun Lane, Wilmington, Delaware

17. Carter, Hodding, Editor and Publisher, Delta Democrat-Times, Greenville, Mississippi *

X 18. Carter, Wesley W., President, Freemen's Publishing Company, Houston, Texas

19. Clement, Dr. Rufus E., President, Atlanta University, Atlanta, Georgia *

20. Cocking, Dr. Walter D., Chairman, Board of Editors, American School Publishing Corporation, 470 Fourth Avenue, New York, New York *

21. Cousins, Norman, Editor, Saturday Review, 25 W. 45th St., New York, N. Y.*

22. Cozart, Dr. Leland S., President, Barber-Scotia College, Concord, North Carolina *

23. Davis, Dowdal H., General Manager, Kansas City Call, Kansas City, Missouri *

24. Dent, Dr. Albert W., President, Dillard University, New Orleans, Louisiana

25. Dewey, Thomas E., Governor of New York, Executive Mansion, Albany, N. Y. *

26. Donovan, Major General William J., #2 Wall St., New York, New York *

27. Driscoll, Alfred E., Governor of New Jersey, Executive Mansion, Trenton, N.J.*

28. Duff, Senator James H., United States Senator from Pennsylvania, Senate Office Building, Washington, D. C. *

29. Du Pont, James Q., Director, Extension Division, Department of Public Relations, E. I. du Pont de Nemours, Wilmington, Delaware

30. Edel, Dr. William W., President, Dickinson College, Carlisle, Pa. *

31. Edgerton, Judge Henry W., U. S. Court of Appeals, Washington, D. C.

32. Einstein, Professor Albert, 112 Mercer Street, Princeton, New Jersey *

33. Eisenhower, Dr. Milton S., President, The Pennsylvania State College, State College, Pennsylvania *

34. Ewing, Oscar, 1 Wall Street, New York, New York

35. Fairbanks, Douglas, Jr., "Westridge", Pacific Palisades, California

36. Farley, James A., Chairman of the Board, Coca Cola Export Corporation, 515 Madison Avenue, New York, New York *

37. Finkelstein, Rabbi Louis, 3080 Broadway, New York, New York

38. Firestone, Harvey, Chairman and Chief Exec., Firestone Tire and Rubber Company, 1200 Firestone Parkway, Akron, Ohio

39. Fisher, Dr. Dorothy Canfield, Arlington, Vermont

40. Fitzgerald, Rufus H., Chancellor, University of Pittsburgh, Pittsburgh, Pa.

41. Fowler, Dr. Burton P., Principal, Germantown Friends School, Philadelphia 44, Pennsylvania

42. Francis, Clarence, President, General Foods, 250 Park Ave., New York, N. Y.

43. Frankfurter, Felix, Associate Justice, Supreme Court of the United States, Washington, D.C. *

44. Freeman, Dr. Douglas Southall, P. O. Box 8748, Richmond, Virginia *

45. Frick, Ford, Baseball Commissioner, 16 Edgewood Lane, Bronxville, New York *

46. Gallagher, Dr. Buell G., President, College of the City of New York, New York, New York

47. Gentile, Felix M., Big Brothers of America, 1337 Suburban Station Building, Philadelphia, Pennsylvania *

48. Gilmor, Bishop Michael, 600 Harrison Avenue, Helena, Montana

49. Green, Dr. Oscar, All Saints Episcopal Church, PO Box 322, Palo Alto, Cal. *

50. Halsey, Margaret F., 244 E. 48th Street, New York, New York

51. Haskew, Dr. Laurence DeFee, Dean, College of Education, University of Texas, Austin, Texas

52. Hastie, William H., Judge, Court of Appeals, 6501 N. Eighth Street, Philadelphia 26, Pennsylvania *

53. Hays, Brooks, House Office Building, Washington, D. C.

54. Helm, Bert, 800 Pennsylvania Avenue, Fort Worth, Texas

55. Hoover, Herbert, Waldorf Apartments, Hotel Waldorf Astoria, Park Avenue and 50th Street, New York, New York

56. Hunt, Dr. Herold C., General Superintendent of Schools, Board of Education, 228 N. La Salle Street, Chicago, Illinois *

57. Hunter, Dr. David, Episcopal Diocese of Massachusetts, No. 1 Joy Street, Boston, Massachusetts

58. Johnson, Dr. Charles S., President, Fisk University, Nashville 8, Tennessee *

59. Johnson, Dr. Guy B., University of North Carolina, Chapel Hill, N. C. *

60. Johnston, Eric A., Pres., Motion Picture Assn. of America, Inc., 88 W. 44th Street, New York, New York

61. Kaiser, Henry, President and Manager, Henry J. Kaiser Company, Kaiser Building, Oakland, California

62. Kefauver, Estes, U. S. Senator from Tennessee, 443 Senate Office Building, Washington, D. C. *

63. Kramer, Stanley, Stanley Kramer Distributing Corp., 1600 Broadway, New York *
Co., 1438 N. Gower St., Hollywood, 28, Calif.

64. La Farge, The Reverend John (SJ), 329 W. 108th Street, New York 25, N. Y. *

65. Lee, Dr. James Oscar, Exec. Sec., Dept. of Race Relations, Natl. Council of Churches of Christ in U.S. of A., 297 Fourth Ave., New York, N. Y. *

66. Lemann, Monte M., Esq., 1424 Whitney Bldg., New Orleans, La.

67. Luce, Henry R., Publisher, Time, Life and Fortune, Time & Fortune Bldg., 9 Rockefeller Plaza, New York 20, New York *

68. Mays, Dr. Benjamin E., Pres., Morehouse College, Atlanta, Georgia *

69. McGill, Ralph E., Editor, The Constitution, Atlanta, Georgia *

70. McLean, Robert, Publisher, The Philadelphia Evening Bulletin, Phila., Pa.

71. McMath, Sidney S., former Governor of Arkansas, Little Rock, Arkansas

72. Melby, Dr. Ernest O., Dean, School of Education, New York University, New York 3, New York

73. Mitchell, Dr. George S., Exec. Director, Southern Regional Council, 63 Auburn Avenue, Atlanta, Georgia *

74. Morgan, Dr. Arthur E., President, Community Service, Inc., Yellow Springs, Ohio *

75. Murray, The Reverend John Courtney (S J), Dept. of Philosophy, Yale University, New Haven, Connecticut

76. Murrow, Edward R., Columbia Broadcasting System, 485 Madison Avenue, New York, New York *

77. Niebuhr, Professor Reinhold, Union Theological Seminary, Broadway & 120th Sts., New York, New York

78. Odum, Dr. Howard W., University of North Carolina, Chapel Hill, N. C. *

79. Paley, William S., President, Columbia Broadcasting System, 485 Madison Ave., New York, New York *

80. Patterson, Dr. Frederick D., President, Tuskegee Institute, Tuskegee, Alabama

81. Penney, James C., J. C. Penney Co., 330 W. 34th St., New York, New York *

82. Perry, Jennings, Nashville, Tennessee (Nashville Tennessean)

83. Poling, The Reverend Daniel A., Editor, Christian Herald, New York, N. Y. *

84. Pool, Dr. David de Sola, 99 Central Park West, New York, New York *

85. Pope, Dr. Liston, Dean, Yale University Divinity School, New Haven, Conn. *

86. Rainey, Dr. Homer P., President, Stephens College, Columbia, Missouri *

87. Rickey, Branch, Pittsburgh Pirates, Pittsburgh, Pa. *

88. Roberts, Owen J., Dean, Law School, University of Pennsylvania (former United States Supreme Court Justice), 1421 Chestnut St., Philadelphia *

89. Rockefeller, John D. III, 30 Rockefeller Plaza, New York 20, New York

90. Romulo, General Carlos P., Delegate from the Philippines to the United Nations, Empire State Building, New York, New York *

91. Roosevelt, Mrs. Eleanor (Retired) United States Representative, United Nations Commission on Human Rights, Hyde Park, New York *

92. Roper, Dr. Elmo B., Jr., International Public Opinion Research, Inc., Princeton, New Jersey

93. Scarlett, Bishop William, 1210 Locust St., St. Louis 3, Missouri *

94. Sherrill, Rt. Rev. Henry Knox, 281 Fourth Ave., New York, New York *

95. Sherwood, Robert E., 630 Fifth Avenue, New York, New York

96. Shirer, William L., 7 West 43rd Street, New York, New York *

97. Shubere, Rabbi Joseph S., Temple B'NAI MOSHE, 96 Chestnut Hill Avenue, Boston, Massachusetts

98. Skouras, Spyros P., Twentieth Century Fox, 444 W. 56th St., New York, N. Y. *

99. Smith, Lillian, Hotel Margaret, Brooklyn, New York *

100. Sockman, The Reverend Ralph W., D.D., Christ Church, Methodist, Park Avenue and 60th Street, New York, New York *

101. Sparling, Dr. Edward J., President, Roosevelt College, 430 S. Michigan Ave., Chicago 5, Illinois *

102. Spellman, His Eminence Francis Cardinal, 452 Madison Avenue, New York, N. Y.

103. Sproul, Dr. Robert G., President, University of California, Berkeley, Cal. *

104. Starrn, Dr. Frederick Keller, Plumsteadville, Bucks County, Pa. *

105. Stern, Edgar B., 2110 American Bank Bldg., New Orleans, Louisiana

106. Sulzberger, Arthur Hays, Publisher, New York Times, 229 W. 43rd Street, New York, New York *

107. Taft, Charles P., 906 First National Bank Building, Cincinnati, Ohio

108. Thomas, Julius, National Urban League, 1133 Broadway, New York, New York *

109. Thomas, Lowell, 50 Rockefeller Plaza, New York, New York *

110. Thompson, Dr. Charles H., Dean, Graduate School, Howard University, Washington, D. C.

111. Tilly, Mrs. M. E., Southern Regional Council, 63 Auburn Ave., Atlanta 3, Ga. *

112. Tobias, Dr. Channing H., Director, Phelps-Stokes Fund, 101 Park Avenue, New York, New York *

113. Tyler, Dr. Ralph W., Dean, Division of Social Sciences, University of Chicago, Chicago, Illinois

114. Vance, Dr. Rupert B., Institute for Research in Social Sciences, University of North Carolina, Chapel Hill, North Carolina *

115. Waring, Judge J. Waties, 61 Meeting St., Charleston, S. C. *

116. Watson, Dr. Goodwin B., Professor of Education, Teachers College, Columbia University, New York, New York

117. White, Dr. Walter, Executive Secretary, National Association for the Advancement of Colored People, 20 W. 40th St., New York 18, New York *

118. Whitney, John H., Rockefeller Center, New York, New York

119. Wiggins, James Russell, Managing Editor, Washington Post, Washington, D. C.

120. Wilde, Cornel, Twentieth Century Fox, 444 W. 56th St., New York, New York *

121. Williams, Aubrey W., Editor and Publisher, Southern Farmer, Montgomery, Ala.

122. Wilson, Charles E., (Former) Director of Office of Defense Mobilization, 7 Hampton Road, Scarsdale, New York *

123. Wrigley, Philip K., 410 N. Michigan Ave., Chicago, Illinois

LIST B

(Suggested Members for National Planning Committee)

1. Blanding, Sarah Gibson, President, Vassar College, The President's House, Vassar College, Poughkeepsie, New York

2. Bowles, Chester, Ex-United States Ambassador to India, (H) Hayden's Point, Essex, Connecticut

3. Bunche, Dr. Ralph J., Director, Division of Trusteeship, United Nations, Lake Success, New York

4. Carman, Harry James, Member New York City Board of Higher Education, (H) 21 Claremont Avenue, New York, New York

5. Clement, Dr. Rufus Early, President, Atlanta University, Atlanta, Georgia

6. Cowles, Mrs. Fleur Fenton (Mrs. Gardner Cowles), Associate Editor, "Look" and "Quick", 488 Madison Avenue, New York, New York

7. Duff, Senator James H., United States Senator from Pennsylvania, Senate Office Building, Washington, D. C.

8. Epstein, Henry, First Attorney General New York State, 1931-32 (Represented New York State before the United States Supreme Court in cases involving questions of minimum wage, unemployment insurance, NIRA, congressional redistricting)

9. Field, Stanley, Chairman, Executive Committee and Director of Marshall Field and Company, (H) Lake Forrest, Illinois

10. Gallagher, Dr. Buell G., President, College of the City of New York, (H) 4406 Macomb Street N. W., Washington, D. C.

11. Horton, Mrs. Mildred McAfee (Mrs. Douglas Horton), Vice President, Federal Council of Churches of Christ in America, (H) 52 Gramercy Park, New York, NY

12. Ives, Senator Irving McNeil, United States Senator from New York, Senate Office Building, Washington, D. C.

13. Kefauver, Senator Estes, United States Senator from Tennessee, Senate Office Building, Washington, D. C.

14. La Farge, The Reverend John (S.J.), Editor-in-Chief, "America", 329 West 108th Street, New York 25, New York

15. Palmer, Dwight R. G., Chairman, General Cable Corporation, 420 Lexington Avenue, New York, New York

16. Pope, Dr. Liston, Dean, Yale University Divinity School, 409 Prospect St., New Haven, Connecticut

17. Potofsky, Jacob S., General President, Chicago Joint Board, Amalgamated Clothing Workers of America, C I O, 15 Union Square, New York 3, New York

18. Randolph, A. Phillip, Organizer, Brotherhood of Sleeping Car Porters, A F of L, (H) 230 W. 150th St., New York, New York

19. Roosevelt, Mrs. Eleanor, (Retired) United States Representative, United Nations Commission on Human Rights, (H) Hyde Park, New York

20. Roper, Dr. Elmo B., Jr., International Public Opinion Research, Inc., Princeton, N. J. (Research Director, Fortune Survey of Public Opinions, 30 Rockefeller Plaza, New York 20, New York

21. Russell, William Fletcher, President, Teachers College, Columbia University, 525 W. 120th Street, New York 27, New York

22. Shuster, George N., President, Hunter College, 695 Park Ave., New York, N.Y.

23. Tobias, Dr. Channing H., Director, Phelps-Stokes Fund, 101 Park Avenue, New York, New York

24. Wilson, Charles Edward, (Former) Director of Office of Defense Mobilization, (H) 7 Hampton Road, Scarsdale, New York

Negro # 4

February 19, 1953

Mr. Arthur H. Lewis
The Aaronsburg Story
Rm. 307, Hotel State College
State College, Pa.

Dear Arthur:

Here are a couple of copies of the January NEW SOUTH on which the NEW YORK TIMES story of February 8 was based. The TIMES story accurately hit the note we wanted: that this is no time for Negro Southerners to coast on their gains in the vote.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec
Encls.

THE AARONSBURG STORY
ROOM 307, HOTEL STATE COLLEGE
STATE COLLEGE, PENNSYLVANIA

ARTHUR H. LEWIS
ADMINISTRATIVE SECRETARY

TELEPHONE
S.C. 3001

February 13, 1953

RECEIVED
FEB 17
Southern Regional Council

Dear George:

Thank you for your letter of February 9th making a few additions and corrections to our List A. We had a good two-day session on Tuesday and Wednesday of this week in New York, where those members of our National Steering Committee from the area got together. Just as soon as the minutes are typed up, I'll send you a copy.

Incidentally, the New York Times of February 8th, under a Chattanooga dateline, carried your interesting report on discriminatory registration practices in rural areas. Is a full report available? If it is, I'd certainly like to see one and would appreciate your sending it to me.

Again, may I thank you so much for your help.

Sincerely yours,

Arthur H. Lewis

Dr. George S. Mitchell, Executive-Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N. E.
Atlanta 3, Georgia

THE AARONSBURG STORY
ROOM 307, HOTEL STATE COLLEGE
STATE COLLEGE, PENNSYLVANIA

ARTHUR H. LEWIS
ADMINISTRATIVE SECRETARY

TELEPHONE
S.C. 3001

March 4, 1953

RECEIVED
MAR 6
Southern Regional Council

Dear George:

I'm very grateful to you for the suggested names you sent me. All those persons you mentioned will receive formal invitations and a copy of the agenda as soon as it is drawn up.

Sincerely yours,

Arthur H. Lewis

Dr. George S. Mitchell, Executive-Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N. E.
Atlanta 3, Georgia

NATIONAL STEERING COMMITTEE MEETINGS
IN NEW YORK CITY - FEBRUARY 10 & 11

Four members of the National Steering Committee from the New York area and three members of the Aaronsburg Board of Directors attended the meetings. Present on February 10th were: Mr. Albert E. Mingle, Rev. James S. Shannon, Mr. Julius A. Thomas, Mr. Lester J. Waldman and Mr. Arthur H. Lewis. On February 11th, Dr. J. Oscar Lee and Mr. Gilbert W. Stewart, Jr., joined the others.

The following items were discussed.

I. THE THEME OF THE ASSEMBLY

It was suggested that the Assembly adopt as its theme: "Whose Responsibility is Good Human Relations?" This theme should run through the entire Assembly. It would be introduced at the opening session, followed in the panels and discussion groups and again emphasized at the conclusion.

The Assembly will point out that it is the responsibility of everyone to work towards bettering human relations. In addition, the Assembly should try to suggest ways to achieve better human relations in each of the areas considered by the panels and discussion groups. (See IV.)

II. PARTICIPANTS

One hundred "nationally great" figures and 100 "personally great" from Centre County are to participate in the Assembly.

1. The 100 Nationally Great

These are to be selected from existing lists and from such additional suggestions members of the Steering Committee will make. Mr. Lewis is to contact these persons and try to enlist their participation in the Assembly.

2. The 100 Personally Great from Centre County

A. Selection. These are to be selected by a five-member committee from the Aaronsburg Board of Directors, including Mr. Mingle and Rev. Shannon. An attempt should be made to have as wide representation as possible of the social, economic, racial and religious groups in Centre County. Some consideration might be given as to how to make up for such missing elements in the county as Puerto Ricans, Indians, Nisei, etc.

B. Pre-Assembly Briefing and Orientation. It will be important to the success of the Assembly that these representatives of the "average man" take an active part. Many of them may not have been to a conference before. It might therefore be most helpful to have some pre-Assembly briefing and orientation. Two or three members of the Steering Committee might help with these briefing sessions.

II. Participants (Cont'd)

3. Members of Cooperating Organizations

Organizations which have been working with the Aaronsburg Story through a regular representative might be asked to designate other members to attend the Assembly.

4. Additional Participants

A considerable number of unexpected guests might turn up at the Assembly and create problems in connection with available physical facilities. Their attendance at the opening and closing sessions may cause no difficulty, but their presence at the panels and discussion groups will be harder to handle. This is particularly true since these groups will meet in smaller rooms and are likely to be more successful if the number of participants is limited. The problem might be avoided in part at least, if it is made known sufficiently in advance that while the speeches will be open to the public, attendance at the panel and discussion sessions will be limited.

III. MAIN SPEAKERS

1. Opening Session

A. A thirty-minute panel on "I Came to Aaronsburg and I Came Back" was suggested as part of the opening session. Rabbi Philip S. Bernstein, Dr. Ralph J. Bunche, General William J. Donovan, Senator James H. Duff, Justice Felix Frankfurter, Dr. Charles S. Johnson, Reverend Daniel A. Poling and Dr. Channing H. Tobias, who attended the 1949 celebration at Aaronsburg, will be asked to participate in this panel.

B. It was suggested that Dr. Milton S. Eisenhower, president of The Pennsylvania State College, and Rev. Shannon have a part in the opening session.

2. Final Address

A. An attempt should be made to get one of the following to deliver the final address:

President Dwight D. Eisenhower
Harry S. Truman
Adlai Stevenson
Mrs. Eleanor Roosevelt

B. The closing speaker, particularly if he is one of the above-mentioned persons, may not have been able to be present at the Assembly during the two preceding days. Therefore, before he speaks, he should be briefed on the previous developments so that his comments will provide a fitting and emphatic closing note to the work of the Assembly.

IV. THE PANELS AND DISCUSSION GROUPS

Although they will not draw as much public attention as a keynote speech, they will be a most important part of the Assembly. It will be in the panels and discussion groups that the more specific work of the Assembly will take place. Suggestions as to ways in which better human relations might be achieved in the different areas will come from these groups which might be expected to contribute towards the formulation of a long-range program for The Aaronsburg Story. There are to be six panel and discussion groups, one for each of the areas suggested at the November conference. They are:

1. Education
2. The Home
3. Economics
4. Governing
5. Worship
6. Recreation

Even though the area covered in each group will be different, each one will have as its underlying theme, the theme of the Assembly. It was suggested that, in accordance with this theme, a uniform set of questions be worked out for each group.

Since there will be some 200 invited participants in the Assembly, approximately 30 persons can be expected to make up each panel and discussion group. This number does not take into consideration such additional persons as may attend the Assembly.

The Saturday morning session should start at 10:00 a.m. instead of 9:00 a.m. as originally scheduled.

1. The Panels

In each of the areas, one or more persons would introduce the subject, touch on a number of aspects of it and raise questions to set off the discussion which will follow.

2. The Discussion

Particularly since many of the persons attending the Assembly may not have had previous discussion experience, the question of getting discussion started, keeping it going and getting wide participation in it, is an important one. It was suggested to have a person experienced in leading discussions present at each group and to make use of special techniques, as the one known as "discussion 66" or "buzz session."

3. Declarations

The suggestion was made that each group, before disbanding on Saturday, select a two or three-man-group of representatives who,

IV. The Panels and Discussion Groups (Cont'd)

3. Declarations

together with the representatives of the other five groups would work on a set of declarations. These would be submitted to the Assembly in its plenary session on Sunday.

V. PREPARATION OF WRITTEN MATERIAL IN ADVANCE OF THE ASSEMBLY

The need for written material to send out to the participants well in advance of the Assembly and, perhaps, also to distribute at the Assembly was mentioned but not discussed at the meetings. It will be on the next meeting's agenda.

VI. RECREATION AND SOCIAL EVENTS

A few well spaced events of a recreational and social nature should be fitted into the framework of the Assembly. An informal get-together to "break the ice" was suggested for Friday night. Other suggestions made were: a reception by Dr. Milton S. Eisenhower, a cocktail party for those who may wish to attend, and some professional entertainment.

VII. PHYSICAL FACILITIES

Physical facilities must be planned for well in advance. Dr. Eisenhower has offered to the Assembly the use of such campus facilities it will need. The panels and discussion groups can be held in college classrooms, and the plenary sessions might take place in Schwab Auditorium. Mr. Lewis will attempt to secure the most suitable facilities for each event, taking into consideration the nature of the event and the attendance expected at it.

VIII. COMMITTEES

Some clarification is needed as to the relative functions of the committees which were mentioned in the last progress report and which have a part in the pre-Assembly work.

IX. REVIEW OF ASSEMBLY PLANS

It was suggested that when the plans for the Assembly are more definitely formulated, Dr. Eduard C. Lindeman and Dr. William G. Mather be consulted. Dr. Lindeman is professor of social philosophy at the New School for Social Research and professor emeritus at the New York School of Social Work, Columbia University. Dr. Mather is professor of rural sociology at the Pennsylvania State College. A most active participant in the November conference, he formulated the six areas which will be considered by the panel and discussion groups. Although Dr. Mather will be on a six months' sabbatical in California, Mr. Lewis will contact him by mail and it might be possible to get him to fly back east for a few days to review the plans for the Assembly.

SRC = 3/5

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
HARRISBURG

RECEIVED
APR 23
Southern Regional Council

THE GOVERNOR

April 20, 1953

Dr. George S. Mitchell,
Executive Director, Southern Regional
Council, Inc.,
63 Auburn Avenue, N. E.,
Atlanta 3, Georgia.

Dear Doctor Mitchell:

When Mr. Arthur H. Lewis talked to you about our hopes and plans for perpetuating The Aaronsburg Story as an example of understanding and faith, you expressed interest in the basic idea and in our proposed program. The assurances of cooperation we received from scores of other outstanding Americans and the intense desire these people expressed for a common meeting place is evidence that the goal of higher moral values based on religious understanding can be attained.

The next important step in our program will be reached with the first Aaronsburg Assembly on June 19th, 20th and 21st, 1953. On behalf of the Commonwealth of Pennsylvania, I extend to you an earnest invitation to be our guest at this meeting which we believe will be most significant in the fight against the forces of evil which threaten our Democracy. Your expenses will be paid by a group of residents of Centre County, Pennsylvania. Excellent hotel accommodations will be provided at Pennsylvania State College (some 20 miles from Aaronsburg) through the cooperation of Dr. Milton S. Eisenhower, president of this institution.

At this Assembly you will be one of a hundred distinguished guests, each a leader in his field, and will join with a hundred "little" people from Centre County who have faith in the principle that a man is a man regardless of his race, his color, his creed or his economic status.

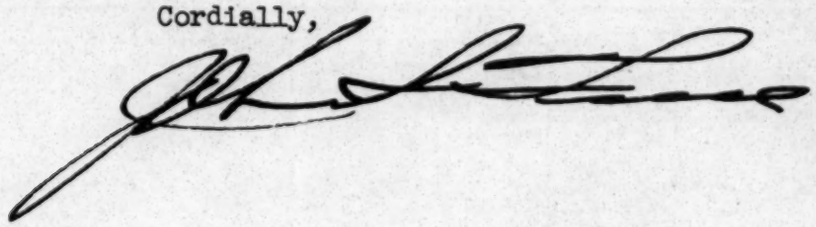
For a week-end the noted and the notable will exchange ideas and trade opinions on the most effective means of creating a climate of equality through understanding. The concepts and policies thus developed will be spread to millions through national press, radio and television coverage.

Mr. Lewis will call you in the near future to arrange for a mutually convenient appointment. He will acquaint you with details of the Assembly and the agenda. In the meantime, I hope you will reserve June 19, 20 and 21 for this important event.

We shall look forward to welcoming you to Aaronsburg.

With best wishes,

Cordially,



April 21, 1953

Mr. Arthur H. Lewis
The Aaronsburg Story
Rm. 307, Hotel State College
State College, Pa.

Dear Arthur:

Very many thanks for that grand invitation to be part of the Aaronsburg meeting June 19, 20, and 21. I will be there.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

SRC-ex. dir.

THE AARONSBURG STORY
ROOM 307, HOTEL STATE COLLEGE
STATE COLLEGE, PENNSYLVANIA

ARTHUR H. LEWIS
ADMINISTRATIVE SECRETARY

TELEPHONE
S. C. 3001

April 8, 1953

Dr. George S. Mitchell, Executive Director
Southern Regional Council, Inc.
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

RECEIVED
APR 10
Southern Regional Council

Dear Dr. Mitchell:

Knowing you share our deep conviction that a man is a man regardless of his religion, his national origin or his color we, the undersigned, urge you to join us in a movement which all of us hope will help preserve our Democracy and perhaps create a world-wide resurgence of faith and belief in the dignity of man.

We are asking for none of your financial support and little of your time. Rather, we would like to have you spend a week-end with us in a small Pennsylvania community this coming summer. We can promise your time will be well spent and could conceivably give new hope to millions of people all over the world who still regard moral values built on a religious foundation as civilization's greatest asset.

The dates are June 19, 20, and 21, 1953 and the place is Aaronsburg, Pennsylvania. The sponsors of the meeting, to be known as The Aaronsburg Assembly, are the Aaronsburg Committee and the Commonwealth of Pennsylvania. The purpose of this gathering will be to bring together 100 of America's most distinguished citizens and 100 "little" people, who will sit side by side and develop means to combat the forces of evil which threaten to destroy not only our Democracy but the entire world. Later you will receive a formal invitation from Governor John S. Fine. All your expenses will be paid by a group of residents of Centre County, Pennsylvania. Excellent hotel accommodations will be provided at State College (some 20 miles from Aaronsburg) through the cooperation of Dr. Milton S. Eisenhower, president of this institution.

The village of Aaronsburg, with its Pennsylvania Dutch population of 321, has rich traditions and a colorful background. It was founded in 1786 by Aaron Levy, a Jew, who unable to find enough members of his own faith to form a congregation in the wilderness of

Pennsylvania, gave generously of land and money to build a church for his Christian neighbors.

On October 23, 1949, one hundred and fifty years after the Aaronsburg Salem Lutheran Church held its first services, this all white, all Protestant community held a celebration which publicly acknowledged its gratitude to Aaron Levy and pointed out to some 30,000 men and women who came to witness this ceremony a simple, albeit frequently forgotten principle, that it took men of all colors and creeds to build America.

All of us who sign this letter were at Aaronsburg that Sunday, nearly four years ago. We were tremendously impressed by what we saw and heard. We went away with the hope that the powerful energy for good, unleashed here in this rural Pennsylvania community, could somehow be developed into a force for world enlightenment. If that day should ever come we wanted to help and hoped we would be invited to return to Aaronsburg. We have been. We urge you to be with us next June. Later you will receive from Father John LaFarge (S.J.), the temporary chairman of the Aaronsburg Assembly National Planning Committee, an agenda, details of the conference and suggestions for the part we hope you will play at the Assembly.

In the meantime, unless you have already scheduled these dates with appointments you cannot possibly change, please plan to be with us June 19, 20, and 21.

Sincerely,

Philip S. Bernstein

Felix Frankfurter

Ralph J. Bunche

Daniel A. Poling

William J. Donovan

Channing H. Tobias

James H. Duff

THE AARONSBURG STORY
ROOM 307, HOTEL STATE COLLEGE
STATE COLLEGE, PENNSYLVANIA

ARTHUR H. LEWIS
ADMINISTRATIVE SECRETARY

TELEPHONE
S.C. 3001

April 23, 1953

RECEIVED
APR 27
Southern Regional Council

Dear George:

I thought you might be interested in seeing a copy of a letter we received from H. Brent Schaeffer, Pastor of the Wittenberg Luthern Church, Leesville, South Carolina, and a copy of our reply to him. In a letter to Governor John S. Fine you suggested his name as a person to be consulted.

Sincerely,

Arthur H. Lewis

Dr. George S. Mitchell, Executive-Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N. E.
Atlanta 3, Georgia

April 23, 1953

Dear Doctor Schaeffer:

We are in receipt of your very modest letter of April 18th. There was no mistake about the invitation to you. Your name was suggested by Dr. George S. Mitchell, Executive Director of the Southern Regional Council, who said you were "a Lutheran minister, white, of exceptional courage and richly informed..."

Your change of address has been noted. As soon as our agenda has been prepared and a transportation schedule worked out, they will be sent on to you.

Sincerely yours,

Arthur H. Lewis

H. Brent Schaeffer, D.D., Pastor
Wittenberg Lutheran Church
P. O. Box 447
Leesville, South Carolina

C
O
P
Y

WITTENBERG LUTHERAN CHURCH
H. Brent Schaeffer, D.D., Pastor
Leesville, S. C.

P.O. Box 447
April 18, 1953

Mr. Arthur H. Lewis
Administrative Secretary
State College, Pa.

Dear Mr. Lewis:

Your letter of invitation to attend The Aaronsburg Assembly has been received. I would like to inform you that I am now pastor in Leesville, S. C. I do not know on what basis you selected those to attend the meeting so I felt that I should inform you of my change of address. If that makes any difference please do not hesitate to say that it does and I will think no more of the matter.

I am greatly interested in the project but feel that I am too 'little' to be included. I am sure attendance would not bind one to connection or participation in any future program. If that invitation should be formally issued to me my attendance would be dependent upon ability to make adjustments of our program and working out satisfactory arrangements.

I feel entirely unworthy of your consideration in this worldwide vision and activity and your selection amazes me. The clarification of the above matter will be appreciated.

Sincerely yours,

/s/H. Brent Schaeffer

June 3, 1953

Mr. Arthur H. Lewis
The Aaronsburg Story
Hotel State College, Rm. 307
State College, Pa.

Dear Arthur:

Many thanks for your letter of June 1. I don't know Mrs. Tilly's schedule yet and doubt that she will go hopping on mine.

I will leave here via Capital Airlines Thursday, June 18, 12:55 p.m., and get into Altoona via Allegheny Airlines at 7:12 p.m., June 18. My present plan is to go to bed in Altoona that night and work my way the next morning over to State College.

I expect I will leave Altoona by Allegheny Airlines Sunday morning and go on over to Washington and then down by train.

Harold Fleming says he can't go, much as he would like to.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

GSM'S ITINERARY FOR AARONSBURG STORY TRIP JUNE 18-22

Thursday, June 18—Leave Atlanta via Capital Airlines 12:55 p.m. Arr. Pittsburgh ~~5:31 p.m.~~ 5:05 p.m.
Leave Pittsburgh via Allegheny Airlines 6:15 p.m.
Arrive Altoona, Pa., 7:12 p.m.

Monday, June 22—Leave Pittsburgh ~~9:00~~ 9:55 a.m. via Capital Airlines. Arrive Atlanta 12:52 p. m.

EC to figure out some way for GSM to get from Altoona to Pittsburgh

~~Mon. June 22 — Lv. Altoona 10:15 a.m.~~
~~Arr. Arr. P'burgh 11:11~~
~~Lv. P'burgh 12:35 p.m.~~
~~Arr. Atlanta 5.28~~

(over)

or ~~Lv. Altoona 4:15 p.m.~~
~~Arr. P'burgh 5:11~~
~~Lv. P'burgh 7:50~~
~~Arr. Atlanta 11:28~~

Lv. Altoona 10:12 a.m.
Arr. Wash. 11:47

coach
Get/ticket ~~RichmondWa~~ Washington-Richmond. 1st class ticket & pullman (lower) reservation Wa~~shington~~-Atlanta on the Comet (SAL) June 22. Richmond

#31.61

June 8, 1953

Dear Dr. Mitchell:

Here is the program for the Aaronsburg Story. I tried to figure out some way of getting you into and out of State College at the right time, but it just won't work. As it is, you get there too soon and leave toosoon. If you want to arrive later, you could fly up to Washington 6:35 p.m. Thursday, June 18, spend the night there, and take the 8:10 a.m. train to Lewisburg, arriving at 12:49. They would meet you there and take you over to State College.

Don't know what you want to do about coming back. Maybe you don't think it's necessary for the Sunday program? If you do decide to stay, you could get a plane leaving Altoona for Washington at 8:57 p.m., arriving 10:21. If you do that, you might want to fly back sometime the next day instead of taking the train.

Let me know if you want me to make any changes in your reservations. If I don't hear from you, I'll leave 'em like they are.

Sincerely,

Encls.

TRAVEL INFORMATION

for

AARONSBURG ASSEMBLY

June 19, 20, 21, 1953

Washington, D. C. to State College, Pa.

If travelling by train we would suggest that you take The Metropolitan (Pennsylvania Railroad - #25) out of Washington, D. C. at 8:10 a.m. E.D.S.T. and arriving at Lewistown, Pa. at 12:49 p.m. E.D.S.T. There you will be met and driven to State College. Lewistown is a one hour drive to State College. There are other train connections out of Washington for Lewistown but this appears to be the one which will assure your arrival in State College on Friday, June 19 in time for the opening session.

If travelling by air we would suggest Flight #101 - Allegheny Airlines (formerly All-American) - out of Washington at 8:30 a.m. E.D.S.T. and arriving at Martinsburg Airport (near Altoona, Pa.) at 9:40 a.m. E.D.S.T. There you will be met and driven to State College. Martinsburg Airport is a two hour drive from State College. There is another flight out of Washington to the Martinsburg Airport via Allegheny Airlines but this appears to be the one which will assure your arrival in State College on Friday, June 19 in time for the opening session.

Perhaps you may be motoring to State College. If so, we will be glad to furnish road maps and any other information you may suggest.

Please consult your local travel agent for any change in schedules.

SRC-ex dir

THE AARONSBURG STORY
ROOM 307, HOTEL STATE COLLEGE
STATE COLLEGE, PENNSYLVANIA

ARTHUR H. LEWIS
ADMINISTRATIVE SECRETARY

TELEPHONE
S. C. 3001

RECEIVED
JUN 8
Southern Regional Council

June 3, 1953

Dr. George S. Mitchell
Executive Director
Southern Regional Council, Inc.
Atlanta, Ga.

Dear Dr. Mitchell:

Would you send us as quickly as possible a wallet size glossy print of yourself? If this size isn't available, we'll accept whatever size you have. I hate to trouble you with this detail, but since news of the Aaronsburg Assembly reached the press, we're getting requests for photographs of our distinguished guests.

Sincerely,

Arthur H. Lewis

TENTATIVE PROGRAM AND AGENDA
FOR THE AARONSBURG ASSEMBLY

Friday, June 19, 1953

Registration: All Day Friday (at the Registration Desk in your place of accommodation)

5:30 - 7:00 p.m.* - Dinner, Nittany Lion Inn, State College

8:00 - 9:30 p.m. - Opening Assembly - Schwab Auditorium, State College
Chairman: Major General William J. Donovan
Invocation: (Speaker to be selected)
For The Aaronsburg Story: Claude G. Aikens, Chairman
The Aaronsburg Story Committee
For The Commonwealth of Pennsylvania: Governor John S. Fine
"We Came To Aaronsburg And We Came Back"
Panel: Major General William J. Donovan
Rabbi Philip S. Bernstein
Dr. Channing H. Tobias
Dr. Daniel A. Poling
Senator James H. Duff
"We're Glad You Came Back" - Albert E. Mingle, Aaronsburg
"Any Nation So Conceived And So Dedicated" -
Mrs. Oswald B. Lord, U. S. Representative to the Commission on Human Rights, United Nations
"Let This Be Our Charge" - President Milton S. Eisenhower
The Pennsylvania State College
Benediction: Reverend Oscar F. Green, Palo Alto, California

9:30 - 10:30 p.m. Reception

Saturday, June 20, 1953

10:00 - 12:00 noon; 2:00 - 2:45 p.m.
Discussion Assemblies: "How Do We Live Above Our Prejudices?"
Living Above Our Prejudices In Economic Life
Living Above Our Prejudices In Our Homes and Communities
Living Above Our Prejudices In Educating Ourselves
Living Above Our Prejudices In Our Religious Life
Living Above Our Prejudices In Our Recreation and Communications
Living Above Our Prejudices In Government and Citizenship
Participants to be the 100 distinguished Americans and 100 residents of Centre County

8:00 - 10:30 p.m. Report Assembly: "What Do We Do To Live Above Our Prejudices"
Schwab Auditorium
Chairman: (To be selected)
Invocation: Father John LaFarge (S.J.)
"In America" - Six Panel Reports
The Aaronsburg Anthem
"In the Free World" -
From Europe: Mrs. Fleur Cowles
From Asia: Dr. Daniel A. Poling

Sunday, June 21, 1953**

12:00 - 1:45 p.m. Friends and Neighbors Break Bread Together.
Sunday family dinners at the homes of Centre County citizens.

2:00 - 4:00 p.m. The Assembly in Aaronsburg
Chairman: Senator James H. Duff
Invocation: Bishop William Scarlett
Ceremonials
Speaker: (To be selected)

*7:00 - 7:45 p.m. Jewish Sabbath Services, Hillel Foundation Building
Rabbi Philip S. Bernstein, Rochester, N. Y.
Rabbi Benjamin M. Kahn, State College, Pa.
Rabbi David de Sola Pool, New York, N. Y.
Rabbi Joseph S. Shubow, Boston, Mass.

**9:30 - 12:00 noon Services in county churches of the guests' choice
Memorial Services for Reverend James S. Shannon

NATIONAL SPONSORS

JOHN S. FINE
Governor, Commonwealth of Pennsylvania

Rabbi Philip S. Bernstein
Dr. Ralph J. Bunche
Major General William J. Donovan
Senator James H. Duff
Associate Justice Felix Frankfurter
Rev. Daniel A. Poling
Dr. Channing H. Tobias

NATIONAL STEERING COMMITTEE

Senator James H. Duff, Chairman

JOSEPH L. BUSTARD
State of N. J. Dept. of Education

HAROLD C. FLEMING
Southern Regional Council, Atlanta, Ga.

JOHN C. GOODBODY
Colonial Williamsburg

DR. WILLIAM H. GRAY, JR.
Pa. Dept of Labor and Industry

GEORGE K. HUNTON
Catholic Interracial Council of N. Y.

DR. CHARLES S. JOHNSON
President, Fisk University

DR. J. OSCAR LEE
National Council of Churches of Christ

DR. WILLIAM G. MATHER
Prof., Rural Sociology, Pa. State College

HENRY LEE MOON
N.A.A.C.P.

DR. FREDERICK T. ROPE
U. S. Mission to the United Nations

GILBERT W. STEWART, JR.
U. S. Mission to the United Nations

JULIUS A. THOMAS
National Urban League

LESTER J. WALDMAN
Anti-Defamation League of B'nai B'rith

BOARD OF DIRECTORS

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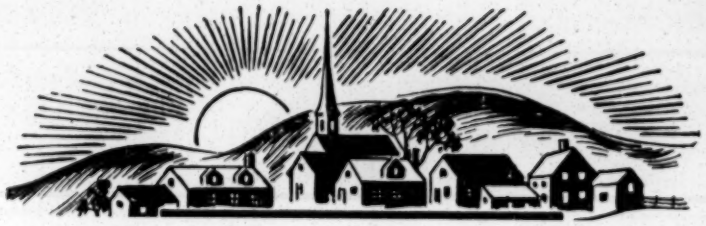
THE AARONSBURG STORY
Room 307, Hotel State College, State College, Pa.

THE AARONSBURG STORY



WHAT IT IS

A DIVERSIFIED group of rural people of Centre County, Pennsylvania, seeking a formula for national serenity and world peace based upon understanding, is attempting to establish a permanent organization designed as a force for good in the United States.

Through discussions and by example, these people hope to point the way toward better understanding in all fields of American life: most specifically in religion, education, economics, recreation, the home, and government.

The basic American freedoms are the keystone of the movement; its foundation is religious understanding: a recognition that fundamentally Americans have faith both in a Supreme Being and in their own way of life.

While similar attempts have been made, The Aaronsburg Story believes that its grass roots efforts, enabling average Americans to sit down for common discussions with leaders in every field—to be heard as well as to listen —may provide a new guide to a better nation.

ITS HISTORICAL BACKGROUND

INSPIRATION for The Aaronsburg Story goes back more than 150 years. It was then that Aaron Levy, a Jewish immigrant from Holland who had extensive land holdings in Central Pennsylvania, gave land to his Pennsylvania Dutch neighbors for their churches, schools, and burying grounds. He also contributed a pewter communion service to The Salem Lutheran Church at Aaronsburg, the town named for him, its founder. The set is still in use.

ITS REVIVAL

LEVY'S thoughtful gift, seen as a perfect example of religious understanding, was commemorated on October 23, 1949, when 30,000 people gathered at Aaronsburg for the 150th anniversary celebration of the Salem Church. They heard talks by James Duff, then Governor of Pennsylvania, Supreme Court Justice Felix Frankfurter, United Nations Mediator Ralph Bunche, and religious leader Daniel A. Poling. They sat down for discussions aimed at broadening religious understanding and they saw a cast of 1000 Centre Countians put on a stirring pageant depicting the story of America's freedoms as reflected in Aaron Levy's contribution. The day's program and its implications in a restless world received national and international applause.

ITS PRESENT

BUOYED by the 1949 success, these people of rural Centre County have invited more than 100 of the nation's outstanding citizens to sit down with them on June 19, 20, and 21 for an Aaronsburg Assembly. From this assembly, it is hoped that there will emerge a definite plan for extending to all peoples of the nation and world a message about the basic design for good living.

ITS FUTURE

AN ANNUAL Aaronsburg Assembly, where different groups can meet to iron out their problems; an educational program in which students may reflect upon the Aaronsburg Ideals; an annual pageant to dramatize this movement; and a concentrated drive to show other communities in America the way to better understanding toward the end that, eventually, "Aaronsburg Stories" may be spread to every town of the country where guidance is needed:

These are the goals of the Aaronsburg Story.

AARONSBURG ASSEMBLY

BRIEF OUTLINE OF PROGRAM

Thursday, June 18, 1953 - 7 to 8 P.M., 121 Sparks Building

1. Registration. No fee.

2. Following registration Panel Members will be given time to meet each other, our distinguished guests from State, National and International positions of responsibility.

3. Briefing Session on details of:-

   (a) Remainder of Programs
   (b) Panel techniques and procedures

Friday, June 19, 1953 - 8 P.M. Schwab Auditorium

I. Opening Session of Assembly.

   Topic: "Why I Came to Aaronsburg in 1949 and Why I Returned."

   A. Speakers:-

      (1) Rabbi Philip S. Bernstein
      (2) General William J. Donovan
      (3) Senator James H. Duff
      (4) Dr. Daniel A. Poling
      (5) Dr. Channing H. Tobias

II. Welcome to Aaronsburg- Claude G. Aikens, Local Chairman

III. Welcome to Pennsylvania - Governor John S. Fine

IV. Keynote Address- Mrs. Oswald B. Lord

V. Following adjournment Dr. Milton S. Eisenhower will hold a reception for panel members and distinguished guests.

   The Friday evening program and Reception will be open to the husbands and wives of Panel Members.

Saturday, June 20, 1953

1. 10:00 A.M. - 12:00 Noon

   There will be six panels in which 16 or 17 distinguished American will sit side by side with a like number of residents (Panel Members) of rural America to explore the following areas:--

   (1) Government
   (2) Work
   (3) Religion
   (4) Recreation
   (5) Education
   (6) Home

Saturday, June 20, 1953 (continued)

2. Luncheon Price $1.00 - Men's West Dorm

3. 2:00 - 4:00 P.M.

   Continuation of morning panels.

4. 8:00 P.M. - - Schwab Auditorium

   (1) Each of the six panel chairmen will give a brief resume and recommendations on area discussed.

   (2) Dr. Poling, recently returned from the Far East, will speak on: "Dependence of the Peoples of the Far East Upon the Peoples of America to preserve a Free World".

   (3) Mrs. Fleur Cowles, Personal representative of President Dwight D. Eisenhower at the Coronation will speak on: "Dependence of the European Peoples Upon the Average American in their Fight Against Communism".

   Saturday evening Program will be open to the Public.

Sunday , June 21, 1953 - 2:00 P.M. - Aaronsburg, Pa.

1. Rededication of the spirit of Aaronsburg on the same site used in 1949 for the Aaronsburg Story Pageant.

2. Speaker (to be selected)

3. Band Concert

4. Excerpts from 1949 Pageant.

NOTE: PLEASE BRING THIS PACKET OF MATERIAL TO ALL SESSIONS OF THE ASSEMBLY

Aaronsburg Assembly

June 18-19-20-21, 1953

Neighbor - Panel Members on Education

1.	Mrs. Charles Alexander	Julian, Pa.	(Homemaker)
2.	Rev. C.A.L.Bickel	Philipsburg, Pa.	(Clergyman)
3.	Earl Blake	Philipsburg, Pa.	(Union Rep.-Lee Metal Products Co.)
4.	John Covey	E. Linn St., Bellefonte,Pa.	(Physician)
5.	Mrs. Chester Dahle	R.D. 1, Centre Hall, Pa.	(Homemaker)
6.	Ray H. Dotterer	825 W. Foster Ave. State Coll.	(Prof. Emeritus of Phil.)
7.	Aaron Druckman	Shingletown R.D., State College	(College Teacher)
8.	Earl G. Gettig	R.D.2, Bellefonte, Pa.	(Farmer)
9.	Mrs. Jean Harris	Pleasant Gap, Pa.	(School Nurse)
10.	L. H. Harshbarger	304 Old Main, State College	(Chaplain, Penn State)
11.	David Lewis	College Ave., Pleasant Gap,Pa.	(Student- teacher)
12.	Mrs. G. B. Merrell	Philipsburg, Pa.	(Exec. Secy.-Red Cross)
13.	Philip B. Ray	Bellefonte, Penna.	(Personnel Mgr-Titan)
14.	Rev. Jones B. Shannon	304 S. Frazier St., St. College	(Clergyman)
15.	George R. Snyder	Wingate, Pa.	(Life Underwriter)
16.	William A. Ross	Port Matilda, Pa.	(Teacher)
17.	Harry A. Rossman	Milesburg, Pa.	(Insurance Agent)
18.	Warren E. Townsend	Philipsburg, Pa.	(Retired)
19.	Wetzler, Malcolm, Sr.	Milesburg, Pa.	(Mortician)

Aaronsburg Assembly

June 18-19-20-21,1953

Neighbor-Panel Members on Government

1.	Ray L. Bright	Millheim, Pa.	(Teacher)
2.	John W. Cooner	Millheim, Pa.	(Merchant)
3.	Mrs. W. Scott Crain	Port Matilda, Pa.	(Partner -Lumber Co.)
4.	Charles H. DeWitt	N. Wilson St., Bellefonte, Pa.	(Chief of Police)
5.	Charles Emerick	Nittany, Pa.	(Government Service)
6.	Eugene M. Fulmer	E. College Ave., State College	(Exec. Secy.-Chamber of Commerce)
7.	Rev. Francis J. Geiger	Howard, Pa.	(Clergyman)
8.	Hugh Green	Philipsburg, Penna.	(Funeral Director)
9.	Miss Eileen M. Hagyard	Philipsburg, Penna.	(Secretary)
10.	John W. Hassinger	N. Allegheny St., Bellefonte,Pa.	(Mgr.-Penna.State Employment Office)
11.	George A. Johnson	N.2nd St.,Philipsburg, Pa.	(Insurance Agt.-Justice of the Peace)
12.	Joseph Lucas	Morningstar Bakery,Philipsburg	
13.	John S. Madore	W. College Ave., State College	(Contractor)
14.	George M. Raines	Philipsburg, Pa.	(Coal producer)
15.	A. L. Rozelle	Willowbank St., Bellefonte,Pa.	(Industrial Power Engr.)
16.	Clair Simler	Philipsburg, Pa.	(Life Underwriter)
17.	Lewis Stein	Philipsburg, Pa.	(Coal operator)
18.	Robert K. Thomas	Bellefonte, Pa.	(Chemist)
19.	Mary Jane Wyland	W. Park Ave., State College	(Pref. Emeritus Education)
20.	Harry C. Ziegler	Rebersburg, Pa.	(Teacher)

Aaronsburg Assembly

June 18-19-20-21, 1953

Neighbor- Panel Members on Home

1.	Mrs. Robert J. Barnett	Philipsburg, Pa.	(Homemaker)
2.	Jesse Caum	Bellefonte, Pa.	(Bell Telephone Mgr.)
3.	A.O. Curtis	Philipsburg, Pa.	(Pres.-General Hardware and Supply Co.)
4.	Mrs. Alvin F. Dietz	Aaronsburg, Pa.	(Homemaker)
5.	John S. Dubbs	Bellefonte, Pa.	(Teacher)
6.	Mrs. R. H. Eads	811 W. College Ave., St. College	(Homemaker)
7.	Benjamin Kahn	State College, Pa.	(Clergyman)
8.	Nancy L. Kalin	714 W. Fairmount, State College	(Homemaker)
9.	Fred J. Malone	Millheim, Penna.	(Teacher)
10.	Mrs. Randall Meyer	Millheim, Penna.	(Homemaker)
11.	Mrs. Flora D. Miller	Philipsburg, Penna.	(Retail Merchant)
12.	Harry C. Myers	215 6thSt., Philipsburg,Pa.	(Teacher)
13.	B. F. Nicodemus	Port Matilda, Pa.	(Supt.-McFeelyBrick Co.)
14.	Clarence Reimer	Bellefonte, Pa.	(Clergyman)
15.	Richard Stoddart	331 W. Fairmount , State Coll.	(High School Student)
16.	Mrs. Oran Stover	Aaronsburg, Pa.	(Homemaker_
17.	J. Philip Stover	R.D.2, Bellefonte, Pa.	(Farmer)
18.	B. J. Usher	Spring Mills, Pa.	(Clergyman)
19.	Mrs. Balser Weber	Howard, Pa.	(Volunteer Soc.Agency)
20.	N. Jacob Weikert	Howard, Pa.	(School Administrator)
21.	Harold A. Wion	Bellefonte, Pa.	(School Principal)

Aaronsburg Assembly

June 18-19-20-21, 1953

Neighbor - Panel Members on Recreation:

1. Paul Bartges	Aaronsburg, Pa.	(Teacher, Investigator, Farmer)
2. Roy H. Cook	Milesburg, Pa.	(Mechanical Engineer)
3. Jacob D. Corman	Pleasant Gap, Pa.	(Life Insurance Rep.)
4. Chester Dahle	State College, Pa.	(Professor)
5. Jo Hays	441 W. Fairmount Ave., S.C.	(Supv. Principal of School
6. Nathan Kraus	N. Allegheny St., Bellefonte	(Retail Merchant)
7. Howard Lamey	Rebersburg, Pa.	(Teacher)
8. Walter Lenin	Curtis Park, Philipsburg	
9. Mary B. Mianulli	118 E. Curtin St., Bellefonte	(Home Maker)
10. John B. Miller	143 E. Linn St., Bellefonte	(Teacher)
11. Jeanette Molloy	315 W. Beaver Ave., S. C.	(Director of Elementary Ed
12. Marcus Randall	Snow Shoe, Pa.	(Minister)
13. Mrs. M. W. Schreffler	Pleasant Gap, Pa.	(Housewife)
14. Mrs. Harry Sieber	Philipsburg, Pa.	
15. C. W. Stoddart, Jr.	331 W. Fairmount Ave., S.C.	(Extension - Pa. State College)
16. George Suchanik	Philipsburg, Pa.	(Cigar Manufacturer)
17. Gladys G. Tanner	302 S. Patterson St., S.C.	(College Professor)
18. J. F. Wetzel	Centre Hall, Pa.	(Ed. Administration)
19. Jack Yeager	231 N. Spring St., Bellefonte	(Assoc. Editor - Centre Daily Times)
20. Mrs. M. T. Zubler	Spring Mills, Pa.	(Housekeeper)

Aaronsburg Assembly

June 18-19-20-21, 1953

Neighbor - Panel Members on Religion:

1. Glenn O. Aumiller	Bellefonte, Pa.	(Employment Supv. - Titan)
2. Emma E. Bible	Aaronsburg, Pa.	(Teacher)
3. George N. Boughter	329 E. Linn St., Bellefonte	(District Sales Manager - Construction Mchy.)
4. Harry R. Burd	Aaronsburg, Pa.	(Register of Wills)
5. Frank E. Ehrenfeld	214 N. Centre St.,Philipsburg	(Public School Adm.)
6. George W. Eminhizer	618 Willowbank St., Bellefonte	(Railway Express Agent)
7. Dr. Henry A. Finch	804 N. Allen St.,State College	(College Professor)
8. Mrs. Jo Hays	441 W. Fairmount Ave., S. C.	(Housewife)
9. Sarah Moyer	Morrisdale, Pa.	(Teaching)
10. Mary L. Oliver	311 S. Sparks St., S. C.	(Home Maker)
11. Earl S. Orr	Penn Belle Hotel, Bellefonte	(Banker)
12. Mrs. Harry Roush	Aaronsburg, Pa.	(House wife and Hosiery Mill Employee)
13. Mrs. J. S. Shannon	Millheim, Pa.	(Housewife)
14. Richard G. Shannon	436 E. Curtin St., Bellefonte	(Banking)
15. Mrs. Henry Smetz	Curtin Park, Philipsburg	(Home Maker)
16. M. D. Spiller	236 E. Lamb St., Bellefonte	(Minister)
17. Earl K. Stock	Bellefonte, Pa.	(School adm. and Supv.)
18. Russell T. Stover	Millheim, Pa.	(Teller and Bookkeeper)
19. Rufus T. Strohm	Centre Hall, Pa.	(Retired)
20. Gail Weaver	Rebersburg, Pa.	(Industry)

Aaronsburg Assembly

June 18-19-20-21, 1953

Neighbor - Panel Members on Work:

1. A. Russell Auman	R. D. 2, Bellefonte, Pa.	(Industry-Labor)
2. M. I. Claster	State College, Pa.	(Retail Lumber Dealer)
3. Lee E. Corter	State College, Pa.	(Teacher - college level- of Government)
4. James Craig	Bellefonte, Pa.	(Treasurer - Titan Metal)
5. S. Ward Gramley	Millheim, Pa.	(Golf and Hunting)
6. Grace M. Henderson	School of H. Ec., State College	(Dean, Sch. of H. Ec.)
7. Rev. Paul H. Kleffel	Millheim, Pa.	(Minister - E.U.B. church)
8. James M. Knox	1121 S. Garner St., S.C.	(Local Mgr. of West Penn)
9. G. M. McCrossin	Bellefonte, Pa.	(Construction Business)
10. Kenneth Miller	Bellefonte, Pa.	(Supv. Prin. of Schools)
11. Calvin C. Purnell	Bellefonte, Pa.	(Personnel Mgr. - Warner)
12. Neal Riemer	248 E. Prospect Ave., S.C.	(Teacher)
13. Dean Schade	Rebersburg, Pa.	(Teacher)
14. Verne E. Smith	Philipsburg, Pa.	
15. Thomas H. Stetler	Snow Shoe, Pa.	(High School Principal)
16. Mrs. Paul Thompson	Millheim, Pa.	(Home Maker)
17. John H. Truby	State College, Pa.	(Cashier - First Nat'l Bk.
18. Allen T. Weaver	Milesburg, Pa.	(Industry)
19. Sidney Willar	239 E. High St., Bellefonte	(Business Agent - Plasterers and Cement Finishers)
20. M. T. Zubler	Spring Mills, Pa.	(Farming)

The Aaronsburg Assembly
Acceptances

1. Dr. Joseph Ackerman, Associate Managing Director, Farm Foundation, Chicago, Ill.

2. Dr. William G. Avirett, Special Assistant to the President, Carnegie Endowment for International Peace, New York, N. Y.

3. Mr. Emery F. Bacon, Director of Education, United Steelworkers of America, Pittsburgh, Pa.

4. Admiral William W. Behrens, Department of Commerce, Commonwealth of Pennsylvania, Harrisburg, Pa.

5. Dr. Harold Benjamin, Chairman, Division Social Foundations of Education, George Peabody College for Teachers, Nashville, Tenn.

6. Rabbi Philip S. Bernstein, Rabbi, Temple B'rith Kodesh, Rochester, N. Y.

7. Mr. William Block, Publisher, Pittsburgh Post-Gazette, Pittsburgh, Pa.

8. The Honorable Hale Boggs, U. S. Representative from Louisiana, Washington, D. C.

9. The Honorable Robert V. Bolger, Judge, Orphans' Court, Philadelphia, Pa.

10. Dr. Horace M. Bond, President, Lincoln University, Lincoln University, Pa.

11. Mr. Francis Bosworth, Director, Friends' Neighborhood Guild, Philadelphia, Pa.

12. Mr. Russell L. Bradley, Regional Director, National Conference of Christians and Jews, Pittsburgh, Pa.

13. Mr. Hodding Carter, Editor and Publisher, The Delta Democrat-Times, Greenville, Miss.

14. Mr. Paul R. Christopher, Tennessee Director, C.I.O. Organizing Committee, Knoxville, Tenn.

15. Dr. Walter D. Cocking, Editor, The School Executive, The American School Publishing Corporation, New York, N. Y.

16. Mrs. Fleur Cowles, Associate Editor, Look and Quick, New York, N. Y.

17. Dr. Leland S. Cozart, President, Barber-Scotia College, Concord, N. C.

18. Dr. George V. Denny, Jr., former President, The Town Hall, Inc., New York, N. Y.

19. Mr. James A. Dombroswki, Director, Southern Conference Educational Fund, Inc., New Orleans, La.

20. Major General William J. Donovan, former Director, Office of Strategic Services, New York, N. Y.

21. Michael Francis Doyle, Esq., Director, Catholic Missionary Society, Philadelphia, Pa.

22. The Honorable James H. Duff, U. S. Senator from Pennsylvania, Washington, D. C.

The Aaronsburg Assembly
Acceptances

23. Mrs. Jacob E. Eckel, former staff member, School of Education, New York University, Skaneateles, N. Y.

24. Dr. William W. Edel, President, Dickinson College, Carlisle, Pa.

25. Dr. Milton S. Eisenhower, President, The Pennsylvania State College, State College, Pa.

26. Mr. Benjamin R. Epstein, National Director, Anti-Defamation League of B'nai B'rith, New York, N. Y.

27. Dr. Luther H. Evans, Librarian of Congress, Library of Congress, Washington, D. C.

28. The Honorable Oscar R. Ewing, former Federal Security Administrator, New York, N. Y.

29. The Honorable John S. Fine, Governor, Commonwealth of Pennsylvania, Harrisburg, Pa.

30. Dr. R. H. Fitzgerald, Chancellor, University of Pittsburgh, Pittsburgh, Pa.

31. Mr. Felix Gentile, Executive Director, Big Brothers of America, Inc., Philadelphia, Pa.

32. Mr. Frank George, Executive Director, National Congress of American Indians, Washington, D. C.

33. Mr. Herbert L. Golden, former Motion Picture Editor, Variety, New York, N. Y.

34. Mr. John C. Goodbody, Director of Project Planning, Colonial Williamsburg, Williamsburg, Va.

35. Dr. Alonzo G. Grace, Associate Dean, School of Education, New York University, New York, N. Y.

36. Dr. William H. Gray, Jr., Executive Director, Industrial Race Relations Commission, Commonwealth of Pennsylvania, Philadelphia, Pa.

37. The Reverend Oscar F. Green, Rector, All Saints' Episcopal Church, Palo Alto, Cal.

38. Judge William H. Hastie, Circuit Judge, U. S. Court of Appeals, Philadelphia, Pa.

39. The Honorable Brooks Hays, United States Representative from Arkansas, Washington, D. C.

40. Mr. Phillip J. Hickey, Superintendent of Schools, Board of Education, St. Louis, Mo.

41. Mr. George K. Hunton, Executive Secretary, Catholic Interracial Council of New York, Inc., New York, N. Y.

The Aaronsburg Assembly
Acceptances

42. The Reverend J. H. Jackson, Pastor, The Olivet Baptist Church, Chicago, Ill.

43. Dr. Charles S. Johnson, President, Fisk University, Nashville, Tenn.

44. Dr. Guy B. Johnson, Professor of Sociology and Anthropology, University of North Carolina, Chapel Hill, N. C.

45. Mrs. Isabella J. Jones, Deputy Secretary, Department of Welfare, Commonwealth of Pennsylvania, Harrisburg, Pa.

46. Dr. Lewis Webster Jones, President, Rutgers University, New Brunswick, N. J.

47. Mr. James Kerney, Jr., Editor and Vice-President, Trenton Times Newspapers, Trenton, N. J.

48. Mr. Ralph King, Executive Director, Lincoln Settlement House, Long Island, N. Y.

49. Mr. J. Donald Kingsley, former Agent General, United Nations Korean Reconstruction Agency, United Nations, N. Y.

50. The Reverend John LaFarge (S.J.), Associate Editor, America, New York, N. Y.

51. Dr. J. Oscar Lee, National Council of the Churches of Christ in the U.S.A., New York, N. Y.

52. Mr. Aaron P. Levinson, President, The Levinson Steel Company, Pittsburgh, Pa.

53. Mrs. Oswald B. Lord, United States Representative to the Commission on Human Rights, United Nations, New York, N. Y.

54. Dr. John A. Mackay, President, Princeton Theological Seminary, Princeton, N. J.

55. Mr. Dan M. Madrano, Director, National Congress of American Indians, Tulsa, Okla.

56. Mr. Michael Masaoka, Japanese-American Citizens League, Washington, D. C.

57. Mr. William R. Mathews, Editor and Publisher, The Arizona Daily Star, Tucson, Ariz.

58. Capt. M. A. Mathiasen, President, Mathiasen's Tanker Industries, Inc., Philadelphia, Pa.

59. Dr. Benjamin E. Mays, President, Morehouse College, Atlanta, Ga.

60. The Honorable Sidney S. McMath, former Governor of Arkansas, Little Rock, Ark.

61. Dr. George S. Mitchell, Executive Director, Southern Regional Council, Inc., Atlanta, Ga.

62. Mr. Jesse H. Mitchell, President, Industrial Bank of Washington, Washington, D. C.

The Aaronsburg Assembly
Acceptances

63. Mr. Joseph Monserrat, New York Director, Employment and Migration Bureau, Government of Puerto Rico, New York, N. Y.

64. Dr. Alonzo G. Moron, President, Hampton Institute, Hampton, Va.

65. Mr. Patrick J. Mullaney, Associate Editor, Interracial Review, New York, N. Y.

66. The Honorable Abraham J. Multer, United States Representative from New York, Washington, D. C.

67. Judge Edgar J. Nathan, Jr., Supreme Court Building, New York, N. Y.

68. Mr. Dwight R. G. Palmer, Chairman of the Board, General Cable Corporation, New York, N. Y.

69. The Reverend Daniel A. Poling, Chairman and Editor, Christian Herald, New York, N. Y.

70. The Reverend Dr. David de Sola Pool, Rabbi, Spanish and Portuguese Synagogue, New York, N. Y.

71. Mr. P. L. Prattis, Executive Director, Pittsburgh-Courier, Pittsburgh, Pa.

72. Dr. Homer P. Rainey, former President, Stephens College, Columbia, Mo.

73. Mr. A. Philip Randolph, International President, Brotherhood of Sleeping Car Porters, New York, N. Y.

74. Mr. Ronald Reagan, 1258 North Amalfi Drive, Pacific Palisades, Cal.

75. The Honorable Frazier Reams, United States Representative from Ohio, Washington, D. C.

76. Mr. Ira S. Robbins, Executive Vice President, Citizens' Housing and Planning Council of New York, Inc., New York, N. Y.

77. Mr. Winthrop Rockefeller, 30 Rockefeller Plaza, New York, N. Y.

78. Dr. Frederick R. Rope, Public Affairs Officer, United States Mission to the United Nations, New York, N. Y.

79. The Honorable Edith S. Sampson, Attorney at Law, Chicago, Ill.

80. The Right Reverend William Scarlett, Bishop, The Diocese of Missouri, St. Louis, Mo.

81. H. Brent Schaeffer, D.D., Pastor, Wittenberg Lutheran Church, Leesville, S. C.

82. The Honorable Henry E. Schultz, National Chairman, Anti-Defamation League of B'nai B'rith, New York, N. Y.

83. Mr. C. A. Scott, Editor-General Manager, Atlanta Daily World, Atlanta, Ga.

The Aaronsburg Assembly
Acceptances

84. Mr. Clarence Senior, Chief, Migration Division, Department of Labor, Commonwealth of Puerto Rico, New York, N. Y.

85. Mr. Francis C. Shane, Secretary, Committee on Civil Rights, United Steelworkers of America, Pittsburgh, Pa.

86. Rabbi Joseph S. Shubow, President, Rabbinical Association of Greater Boston, Boston, Mass.

87. Mr. Ocie Lee Smith, Farmers Home Administration, U. S. Department of Agriculture, Little Rock, Ark.

88. Mr. J. K. Stern, President, American Institute of Cooperation, Washington, D. C.

89. Mrs. Ella P. Stewart, former President, National Association of Colored Women, Inc., Toledo, Ohio

90. Mr. Gilbert W. Stewart, Jr., Press Adviser, United States Mission to the United Nations, New York, N. Y.

91. Dr. Francis Henry Taylor, Director, The Metropolitan Museum of Art, New York, N. Y.

92. Mr. Julius A. Thomas, Director, Department of Industrial Relations, National Urban League, New York, N. Y.

93. Dr. Charles H. Thompson, Dean, The Graduate School, Howard University, Washington, D. C.

94. Mrs. M. E. Tilly, Southern Regional Council, Inc., Atlanta, Ga.

95. Dr. Channing H. Tobias, Director, Phelps-Stokes Fund, New York, N. Y.

96. Dr. Rupert B. Vance, Kenan Research Professor, Institute for Research in Social Science, University of N. C., Chapel Hill, N. C.

97. Mr. Lester J. Waldman, National Program Director, Anti-Defamation League of B'nai B'rith, New York, N. Y.

98. Mr. James P. Warburg, author and industrialist, New York, N. Y.

99. The Honorable J. Waties Waring, U. S. District Judge (Retired), New York, N. Y.

100. Dr. Robert C. Weaver, John Hay Whitney Foundation, New York, N. Y.

101. Judge Samuel A. Weiss, Court of Common Pleas, Pittsburgh, Pa.

102. Mr. Carter Wesley, Editor, The Informer, Houston, Tex.

103. Mr. J. H. Wheeler, President, Mechanics and Farmers Bank, Durham, N. C.

104. Dr. Walter White, Executive Secretary, National Association for the Advancement of Colored People, New York, N. Y.

105. Mr. J. R. Wiggins, Managing Editor, The Washington Post, Washington, D. C.

THE AARONSBURG ASSEMBLY

SUGGESTED QUESTIONS FOR PANEL DISCUSSION

LIVING ABOVE OUR PREJUDICES IN RECREATION *

Hamilton Hall- Lounge Room - First Floor

1. What are the manifestations of prejudice in:

   (a) Sports and other forms of physical relaxation;

   (b) Such instruments of mental stimulation as newspapers, magazines, books, theaters, movies, radio and television?

2. To what extent have recreational activities and mass communication enhanced existing prejudices, developed new ones or helped to dispel old ones?

3. What are the responsibilities of mass communication media in regard to perpetuating prejudicial stereotypes?

4. To what extent can we insist on the elimination of prejudices without becoming involved in censorship?

5. What can be done toward finding solutions to the problem of living above our prejudices?

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* The American way of life is being made more fruitful by the extension of leisure time to the individual for physical relaxation and mental stimulation. Involved in this leisure time is a greater dependence on the use of a combination of recreational and amusement activities and the mass media of communication.

THE AARONSBURG ASSEMBLY

SUGGESTED QUESTIONS FOR PANEL DISCUSSION

LIVING ABOVE OUR PREJUDICES IN EDUCATING OURSELVES

Thompson Hall - Lounge Room - First Floor

1. What are the prejudices that affect our educational processes in relation to:

   (a) The teaching and learning experience of children, students and teachers;

   (b) The curricula:

   (c) The structure of our educational institutions?

2. How do these prejudices manifest themselves within the educational process and beyond it?

3. What are the devices used to identify these prejudices; what are the devices used to rationalize them?

4. What are the results of these prejudices; i.e.,

   (a) Segregation;

   (b) Attacks on public education;

   (c) Infringement on academic freedom;

   (d) On school appropriations?

5. What can be done toward finding the solution to the problem of living above our prejudices in our educational life ?

THE AARONSBURG ASSEMBLY

SUGGESTED QUESTIONS FOR PANEL DISCUSSION

LIVING ABOVE OUR PREJUDICES IN GOVERNMENT

Hamilton Hall - Recreation Room- Ground Floor

1. What are the prejudices that attach themselves to the institutions of democratic government?

2. How do these affect Americans in their role of citizens, elected officials, partisan politicians?

3. Is the responsibility of the public official to his community's prejudices to:

   (a) reflect them accurately, or

   (b) substitute his own judgment?

4. What are the responsibilities of citizens to eliminate prejudices within government?

5. What solutions can be found toward solving the problem of living above our prejudices?

THE AARONSBURG ASSEMBLY

SUGGESTED QUESTIONS FOR PANEL DISCUSSION

LIVING ABOVE OUR PREJUDICES IN OUR RELIGIOUS LIFE*

Thompson Hall - Recreation Room - Ground Floor

1. What, if any, are the factors in religious life which inhibit the growth of prejudice; what, if any, are the factors in religious life which contribute to the growth of prejudice?

   (a) From the standpoint of the individual religious experience;

   (b) From the standpoint of the institutions of organized religion.

2. How does religious prejudice serve to undermine the American concept of freedom of religion?

3. What is the role of religion in developing human personality and what does prejudice do to human personality?

4. What resources do the institutions of religion have for improving human relations?

5. What can be done toward finding the solutions to the problem of living above our prejudices?

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* For the purposes of this panel, we are discussing religion as evidenced in the life of the individual and in the institutions which religions devise, and not the organized systems of religion.

THE AARONSBURG ASSEMBLY

SUGGESTED QUESTIONS FOR PANEL DISCUSSION

LIVING ABOVE OUR PREJUDICES IN OUR HOMES AND COMMUNITIES

McKee Hall - Recreation Room - Ground Floor

1. What are the most disturbing prejudices which are presently perpetuated by our home and community life?

2. What are the evidences of these prejudices?

3. In the changing pattern of our community and family life will these prejudices by increased or lessened?

4. What are the effects of home and community prejudices on family life; is the solidity of family and community life dependent on the prejudices which tie the groups together?

5. What can be done toward finding the solutions to the problem of living above our prejudices?

THE AARONSBURG ASSEMBLY

SUGGESTED QUESTIONS FOR PANEL DISCUSSION

LIVING ABOVE OUR PREJUDICES IN OUR (WORK) ECONOMIC LIFE

McKee Hall - Lounge Room - First Floor

1. What are the most common prejudices which affect America's economic life?

   (a) among employees

   (b) among employers

   (c) among farmers

   (d) among consumers

2. What are the evidences of these prejudices as seen in individual lives and in our economic institutions?

3. What are the causes of these prejudices; do they stem from economic sources or from other origin?

4. What are the results of these prejudices on the economic life of America?

5. What can be done toward finding the solutions to the problem of living above our prejudices?

Aaronsburg Assembly

June 18-19-20-21,1953

Guest Panel Members on Education

1. Mr. Emery F. Bacon, Director of Education, United Steelworkers of America, Pittsburgh, Pa.

2. Dr. Harold Benjamin, Chairman, Division Social Foundations of Education George Peabody College for Teachers, Nashville, Tenn.

3. Mr. William Block, Publisher, Pittsburgh Post--Gazette, Pittsburgh,Pa.

4. Dr. Horace M. Bond, President, Lincoln University, Lincoln University,Pa.

5. Dr. Walter D. Cocking, Editor, The American School Publishing Corporation, New York, N.Y.

6. Dr. Milton S. Eisenhower, President, The Pennsylvania State College, State College, Pa.

7. Mr. John C. Goodbody, Director of Project Planning, Colonial Williamsburg, Williamsburg, Va.

8. Dr. R. H. Fitzgerald, Chancellor, University of Pittsburgh, Pittsburgh, Pa.

9. Philip J. Hickey, Superintendent of Schools, St. Louis, Mo.

10. The Reverend J. H. Jackson, Pastor, The Olivet Baptist Church, Chicago,Ill.

11. Dr. Lewis Webster Jones, President, Rutgers University, New Brunswick, N.J.

12. Mr. Ralph King, Director,(Exec.) Lincoln Settlement House, Long Island,N.Y.

13. Dr. Homer P. Rainey, former President, Stephens College, Columbia, Mo.

14. Hon. Frazier Reams, U.S. Representative from Ohio, Washington, D.C.

15. Rev. H. Brent Schaeffer, D.D., Pastor, Wittenberg Lutheran Church, Leesville, S.Car.

16. Rabbi Joseph S. Shubow, President, Rabbinical Association of Greater Boston, Boston, Mass.

17. Dr. Rupert B. Vance, Institute for Research in Social Science, University of North Carolina, Chapel Hill, N.C.

18. Mr. Lester J Waldman, National Program Director Anti-Defamation League B'nai B'rith, New York, N.Y.

Other guests will be assigned as they register.

Aaronsburg Assembly

June 18-19-20-21; 1953

Guest Panel Members on Government

1. Dr. William G. Avirett, Special Assistant to the President, Carnegie Endowment for International Peace, New York, N.Y.

2. Admiral William W. Behrens, Dept. of Commerce, Commonwealth of Penna., Harrisburg, Pa.

3. Dr. Leland S. Cozart, President, Barber-Scotia College, Concord, N.C.

4. Major General William J. Donovan, former Director, Office of Strategic Services, New York, N.Y.

5. Michael Francis Doyle, Esq., Director, Catholic Missionary Society, Phila.,Pa.

6. Hon. John S. Fine, Governor, Commonwealth of Pennsylvania, Harrisburg, Pa.

7. Hon. William H. Hastie, Judge, U.S. Court of Appeals, Philadelphia, Pa.

8. Hon. Brooks Hays, United States Representative from Arkansas, Wash. D.C.

9. Mr. J. Donald Kingsley, former Agent General, United Nations Korean Reconstruction Agency, United Nations, N.Y.

10. Hon. Sidney S. McMath, former Governor of Arkansas, Little Rock. Ark.

11. Hon. Edith S. Sampson, Attorney At Law, Chicago, Ill.

12. The Right Reverend William Scarlett, Bishop the Diocese of Missouri, Florisant, Mo.

13. Hon. Henry E. Schultz, National Chairman, Anti-Defamation League of B'nai B'rith, New York, N.Y.

14. Dr. Charles H. Thompson, Dean, The Graduate School, Howard University, Wash. D.C.

15. Mr. James P. Warburg, Author and Industrialist, New York, N.Y.

16. Mr. Carter Wesley, Editor, The Informer, Houston, Tex.

17. Mr. J. R. Wiggins, Managing Editor, the Washington Post, Washington D.C.

Other Guests will be assigned as registered.

Aaronsburg Assembly

June 18-19-20-21, 1953

Guest Panel Members on Home

1. Dr. Joseph Ackerman, Associate Managing Director, Farm Foundation, Chicago, Ill

2. The Hon. Robert V. Bolger, Judge, Orphans' Court, Philadelphia, Pa.

3. Mr. Russell L. Bradley, Regional Director, National Conference of Christians and Jews, Pittsburgh, Pa.

4. Mr. James A. Dombrowski, Director, Southern Conference Educational Fund, Inc. New Orleans, La.

5. Mrs. Jacob L. Eckel, Former staff member, School of Education, New York University, Skaneateles, N.Y.

6. Mr. Benjamin R. Epstein, Nat'l Dir., Anti-Defamation League of B'nai B'rith, New York, N.Y.

7. Hon. Oscar R. Ewing, former Federal Security Admiministrator, New York, N.Y.

8. Mrs. Isabelle J. Jones, Dept. of Welfare, Commonwealth of Pennsylvania

9. Mrs. Oswald B. Lord, United States Representative to the United Nations, New York, N.Y.

10. Mrs. Patrick Mallaney, Assoc. Editor, Catholic Interracial Review, New York, N.Y.

11. Mr. Michael Masaoka, Japanese-American Citizens League, Washington, D.C.

12. Dr. Benjamin E. Mays, President, Morehouse College, Atlanta, Ga.

13. Mr. Ira S. Robbins, Executive Vice President, Citizens' Housing & Planning Council of New York, Inc., New York, N.Y.

14. Mrs. Ella P. Stewart, former President, National Association of Colored Women, Inc., Toledo, Ohio

15. Mr. Ocie Lee Smith, Farmers Home Administration, U.S. Department of Agriculture, Little Rock, Ark.

16. Dr. Channing H. Tobias, Director, Phelps-Stokes Fund, New York, N.Y.

17. Dr. Walter White, Executive Secretary, National Association for the Advancement of Colored People, New York, N.Y.

Other guests will be assigned as registered.

Aaronsburg Assembly

June 18-19-20-21, 1953

Guest Panel Members on Recreation

1. Mr. Francis Bosworth, Director, Friends' Neighborhood Guild, Phila., Pa.

2. Mr. Hodding Carter, Editor and Publisher, The Delta Democrat-Times, Greenville, Miss.

3. Mrs. Fleur Cowles, Associate Editor, Look Magazine, New York, N.Y.

4. Miss Nancy Davis, Hollywood, California

5. Dr. George V. Denny, Jr., former President, The Town Hall, Inc., New York,N.Y.

6. Dr. Luther H. Evans, Librarian of Congress, Library of Congress, Wash.D.C.

7. Mr. Felix Gentile, Executive Director, Big Brothers of America, Inc., Phila., Pa.

8. Mr. Frank George, Executive Director, National Congress of American Indians, Washington D.C.

9. Mr. Herbert L. Golden, Bankers Trust Co., New York, N.Y.

10. Dr. Guy B. Johnson, Prof. of Sociology and Anthropology, University of North Carolina, Chapel Hill, N.C.

11. Mr. William R. Mathews, Editor and Publisher, The Arizona Daily Star, Tuscon, Ariz.

12. Dr. Alonzo G. Moron, President, Hampton Institute, Hampton, Va.

13. Mr. P.L. Prattis, Executive Director, Pittsburgh-Courier, Pittsburgh, Pa.

14. Mr. Ronald Reagan, Hollywood, California

15. Mr. C. A. Scott, Editor-General Manager, Atlanta Daily World, Atlanta, Ga.

16. Mr. Gilbert W. Stewart, Jr., Press Adviser, United States Mission to the United Nations, New York, N.Y.

17. Dr. Francis Henry Taylor, Director, The Metropolitan Museum of Art, New York, N.Y.

18. Dr. Robert C. Weaver, John Hay Whitney Foundation, New York, N.Y.

19. Hon. Samuel A. Weiss, Judge, Court of Common Pleas, Pittsburgh, Pa.

Other guests will be assigned as they register.

Aaronsburg Assembly

June 18-19-20-21,1953

Guest Panel Members on Religion

1. Hon. James H. Duff, U.S. Senator from Pennsylvania, Washington D.C.

2. Dr. William W. Edel, President, Dickinson College, Carlisle, Pa.

3. Dr. Alonzo G. Grace, Associate Dean, School of Education, New York University, New York, N.Y.

4. The Reverend Oscar F. Green, Rector, All Saints' Episcopal Church, Palo Alto, Calif.

5. Mr. George K. Hunton, Executive Secretary, Catholic Interracial Council of New York, Inc. , New York, N.Y.

6. The Reverend John LaFarge S.J., Associate Editor, America, New York, N.Y.

7. Dr. J. Oscar Lee, National Council of the Churches of Christ in the U.S.A. New York, N.Y.

8. Dr. Herman Long, Director, Race Relations Department, Fisk University, Nashville, Tenn.

9. Mr. Dan M. Madrano, Director, National Congress of American Indians, Tulsa, Okla.

10. Dr. John Mackay, President, Princeton Theological Seminary, Princeton , N.J.

11. Dr. George S. Mitchell, Executive Director, Southern Regional Council, Inc. Atlanta, Ga.

12. Hon. Abraham J. Multer, United States Representative from New York, Wash.D.C.

13. The Reverend Daniel A. Poling, Chairman and Editor, Christian Herald, New York, N.Y.

14. The Reverend Dr. David deSola Pool, Rabbi, Spanish and Portugese Synagogue, New York, N.Y.

15. Mr. Clarence Senior, Chief Migration Division, Dept. of Labor Commonwealth of Puerto Rico, New York, N.Y.

16. Mr. J. K. Stern, President, American Institute of Cooperation, Wash. D.C.

17. Mrs. M. E. Tilly, Southern Regional Council, Inc., Atlanta, Ga.

18. Hon. J. Waties Waring, U.S. District Judge (Retired) New York, N.Y.

Other guests will be assigned as registered.

Aaronsburg Assembly

June 18-19-20-21, 1953

Guest Panel Members on (Work) Economics

1. Mr. Jacob Alson, Partner Alson and Brown, New York, N.Y.

2. Rabbi Philip S. Bernstein, Temple B'rith Kodesh, Rochester, N.Y.

3. Hon. Hale Boggs, U.S. Representative from Louisiana, Washington, D.C.

4. Mr. Paul R. Christopher, Tennessee Director, CIO Organizing Committee, Knoxville, Tenn.

5. Dr. Williams H. Gray, Jr., Executive Director, Industrial Race Relations Commission, Commonwealth of Pennsylvania, Philadelphia, Pa.

6. Mr. James Kerney, Jr., Editor and Vice-President, Trenton Times Newspapers, Trenton, N.J.

7. Mr. Aaron P. Levinson, President, The Levinson Steel Co., Pittsburgh, Pa.

8. Capt. M. A. Mathiasen, President, Mathiasen's Tanker Industries, Inc. Philadelphia, Pa.

9. Mr. Jesse H. Mitchell, President, Industrial Bank of Washington, Wash. D.C.

10. Mr. Joseph Monserrat, N.Y. Director, Employment and Migration Bureau, Government of Puerto Rico, New York, N.Y.

11. Mr. Dwight R.G. Palmer, Chairman of the Board, General Cable Corporation, New York, N.Y.

12. Mr. A. Philip Randolph, International President, Brotherhood of Sleeping Car Porters, New York, N.Y.

13. Mr. Winthrop Rockefeller, Industrialist, New York, N.Y.

14. Mr. Francis C. Shane, Secretary, Civil Rights Committee, United Steelworkers of America, Pittsburgh, Pa.

15. Mr. Julius A. Thomas, Director, Dept. of Industrial Relations, National Urban League, New York, N.Y.

16. Mr. J. H. Wheeler, President, Mechanics & Farmers Ban,, Durham, N. Car.

17. Mrs. Paul D. Williams, Founder, Catholic Committee of the South, New York,N.Y.

Other guests will be assigned as registered.

THE

AARONSBURG ASSEMBLY . . .

DEDICATED TO

THE AARONSBURG STORY

FRIDAY, JUNE 19, 1953
SATURDAY, JUNE 20, 1953
SUNDAY, JUNE 21, 1953

STATE COLLEGE, PENNSYLVANIA
AARONSBURG, PENNSYLVANIA

General Chairman for the Assembly—Major Gen. William J. Donovan

PROGRAM

FRIDAY, JUNE 19

5:30-7:30 p.m. Dinner, Nittany Lion Inn

7:00-7:45 p.m.*

8:00-9:30 p.m. Opening Assembly
Schwab Auditorium, State College

Chairman: William H. Hastie, Judge, U. S. Court of Appeals, Philadelphia, Pa.

Invocation: Dr. William W. Edel, President, Dickinson College

For The Aaronsburg Story: Claude G. Aikens, Chairman, The Aaronsburg Story Committee

For The Commonwealth of Pennsylvania: John S. Fine, Governor, The Commonwealth of Pennsylvania

For The Pennsylvania State College: Dr. Milton S. Eisenhower, President of the College

"We Came to Aaronsburg and We Came Back"
Panel: Dr. Philip S. Bernstein, Rabbi, Rochester, N. Y.
Dr. Channing H. Tobias, Director, Phelps-Stokes Fund
Major General William J. Donovan, New York, N. Y.
Dr. Daniel A. Poling, Editor, Christian Herald
Senator James H. Duff, U. S. Senator from Pennsylvania

"We're Glad You Came Back"—Albert E. Mingle, Aaronsburg

Address: "Any Nation So Conceived and So Dedicated"
Mrs. Oswald B. Lord, U. S. Representative to the Commission on Human Rights, United Nations

"Let This Be Our Charge"—Judge Hastie

Benediction: Reverend Oscar F. Green, All Saints' Episcopal Church, Palo Alto, Calif.

9:30-10:30 p.m. Reception by Dr. and Mrs. Milton S. Eisenhower for Assembly Participants

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*Jewish Sabbath Eve Services, B'nai B'rith—Hillel Foundation Synagogue, 224 S. Miles Street. Rabbi Philip S. Bernstein, Rochester, N. Y.; Rabbi Benjamin M. Kahn, State College, Pa.; Rabbi Davis de Sola Pool, New York, N. Y.; Rabbi Joseph S. Shubow, Boston, Mass. All who wish to attend are welcome.

Program Coordinator for the Assembly—Lester J. Waldman

PROGRAM

SATURDAY, JUNE 20

10:00 a.m.-12 noon

The Discussion Assemblies: "How Can We Live Above Our Prejudices?"

Living Above Our Prejudices in Economic Life
McKee Lounge
Chairman: Dwight R. G. Palmer, General Cable Corporation
Discussion Leader: Julius A. Thomas, National Urban League
Recorder: Lee Corter, State College, Pa.

Living Above Our Prejudices in Our Homes and Communities
McKee Recreation Room
Chairman: Oscar R. Ewing, former Federal Security Administrator
Discussion Leader: Benjamin R. Epstein, Anti-Defamation League of B'nai B'rith
Recorder: N. J. Weikert, Howard, Pa.

Living Above Our Prejudices in Educating Ourselves
Thompson Lounge
Chairman: Lewis Webster Jones, President, Rutgers University
Discussion Leader: John C. Goodbody, Colonial Williamsburg
Recorder: William A. Ross, Port Matilda, Pa.

Living Above Our Prejudices in Our Religious Life
Thompson Recreation Room
Chairman: John A. Mackay, President, Princeton Theological Seminary
Discussion Leader: Herman H. Long, Fisk University
Recorder: Earl K. Stock, Bellefonte, Pa.

Living Above Our Prejudices in Our Recreation and Communications
Hamilton Lounge
Chairman: Hodding Carter, The Delta Democrat-Times
Discussion Leader: George V. Denny, Jr., former President, The Town Hall
Recorder: J. F. Wetzel, Centre Hall, Pa.

Living Above Our Prejudices in Government and Citizenship
Hamilton Recreation Room
Chairman: Brooks Hays, U. S. Representative from Arkansas
Discussion Leader: J. R. Wiggins, The Washington Post
Recorder: Mary Jane Wyland, State College, Pa.

12:15-1:30 p.m.

Luncheon

2:00-4:00 p.m.

Continuation of the Discussion Assemblies

PROGRAM

SATURDAY, JUNE 20

Dinner

6:00-7:00 p.m. The Report Assembly, Schwab Auditorium

8:00-10:00 p.m. Chairman: Major General William J. Donovan
Invocation: Father John La Farge, S. J.
The Aaronsburg Anthem—Herman Miller Singers, Reading, Pa.
"What Do We Do to Live Above Our Prejudices?"
In America—The Panel Reporters on:
Economic Life
Our Homes and Communities
Educating Ourselves
Our Religious Life
Our Recreation and Communications
Government and Citizenship
In the Free World—
From Europe: Mrs. Fleur Cowles
From Asia: Dr. Daniel A. Poling
Presentation: Miss Nancy Davis
Mr. Ronald Reagan
Benediction: Dr. David de Sola Pool, Rabbi, Congregation Shearith Israel, New York

SUNDAY, JUNE 21

9:30-12 noon* Friends and Neighbors Break Bread Together

12 noon-1:45 p.m. Sunday family dinners at the homes of Centre County citizens

2:00-4:00 p.m. The Assembly in Aaronsburg
Chairman: Senator James H. Duff
Invocation: Bishop William Scarlett, Diocese of Missouri
The Ceremonial
(Guests will receive the full program of the Ceremonial at the exercises.)
"The Return of the Gift"
Rev. James G. Shannon, Middleburg, Pa.
Edgar J. Nathan, Jr., Justice, Supreme Court, State of New York
Address:
Dr. Luther H. Evans, Librarian of Congress, Washington, D. C. and nominated as Director-General of UNESCO.
Judge Samuel A. Weiss, Pittsburgh, Penna.
"To Friends Everlasting" Henry Edward Schultz, New York
Summary of the Assembly—Senator Duff
"The Greeting of the Guests"
Benediction: John A. Mackay
Massing of the Bands and "America"

*Services in county churches of the guests' choice. All members who wish to attend are welcome.

June 23, 1953

Mr. Arthur H. Lewis
The Aaronsburg Story
Room 307, Hotel State College
State College, Pa.

Dear Arthur:

That was a grand occasion all around. You must have toiled mightily in the weeks before it, because you were certainly able to stroll through it with a minimum of rufflement. I would have thought that at every second messengers would be plucking your sleeve for the answers to this or that. No, Sir. You sat down and had your luncheon and your supper just like one of the guests! Highest marks to an administrative aide who does his administering weeks before the event.

I don't know when I've had such a good chance to see so many friends and talk with them, seriously and less seriously. For that alone, the trip was a great adventure to me, and the conferences were, I am sure, profitable to many good causes.

I append a sheet which figures out expenses.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec
Encl.

June 23, 1953

Expense account for George S. Mitchell's travel to State College, Pennsylvania, June 18-22, to participate in THE AARONSBURG STORY.

Plane fare, Atlanta-Altoona-Harrisburg-Washington	$ 63.71
Train fare, Washington-Richmond	3.59
Train fare, Richmond-Atlanta	31.61
Airport bus	.50
Tips	1.85
Meals, other than at Nittany Lion Inn	2.80
	$104.06
Deduct the following for personal long distance telephone calls placed from Room 209 to Hagerstown, Md. (60¢) and Washington, D. C. (80¢)	1.40
TOTAL	$102.66

Please make check payable to Southern Regional Council, 63 Auburn Avenue, NE, Atlanta, Georgia.

George S. Mitchell

July 29, 1953

Mr. Arthur H. Lewis
The Aaronsburg Story
Rm. 307, Hotel State College
State College, Pa.

Dear Arthur:

Very many thanks for your kind letter of July 22 and the large check. Simple matter for me to endorse it, as I did.

Do come and see us down here. We can talk fruitfully.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

THE AARONSBURG STORY
ROOM 307, HOTEL STATE COLLEGE
STATE COLLEGE, PENNSYLVANIA

ARTHUR H. LEWIS
ADMINISTRATIVE SECRETARY

TELEPHONE
S.C. 3001

July 22, 1953

Dear George:

Thanks for your very warm letter of June 23. We do feel the Assembly was a success. At least the participants indicated they'd like to do it all over again, perhaps even on a larger scale.

When I see you, and I hope to be able to do that before the winter sets in, I'd like to go over some of the ideas we have for future plans. At the present time, we are preparing the material developed at the Panels. As soon as they are ready we will send them on to you together with a few questions which we hope you will find time to answer.

Enclosed is a check for $102.66 covering the expenses you incurred at the Assembly. I am sorry that this was not made out to the Southern Regional Council as you requested in your letter, but our Treasurer made it out to you instead. If you cannot indorse this over to the Council, please return it and we will have it made out properly. I am sending this one on to you because Ebon Bower, who is a co-signer of our checks, is on vacation and will not return forseveral weeks and I did not want to hold you up.

Please give my very best to Harold and tell him I am very sorry he could not be with us.

Sincerely yours,

Arthur H. Lewis

Mr. George S. Mitchell
Executive Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N.E.
Atlanta 3, Georgia

RECEIVED
JUL 27
Southern Regional Council

Carrie to Gen Board

September 6, 1955

Attorney Morris Abram
515 Healey Building
Atlanta, Georgia

Dear Attorney Abram:

At the Executive Committee Meeting at Mammoth Cave, Kentucky, August 18, it was requested that the staff prepare a yearly schedule for executive committee meetings designating both time and place. It was also recommended that more meetings be held away from Atlanta and that two days be provided for the meetings.

In compliance with this request the following schedule has been prepared:

Friday-Saturday	Oct. 28-29	Gatlinburg, Tenn.	(Mountain View Hotel)
Friday-Saturday	Jan. 20-21	New Orleans, La.	(Dillard University)
Friday-Saturday	Apr. 20-21	Atlanta, Ga.	(Atlanta University)
Friday-Saturday	July 20-21	Frogmore, S. C.	(MAW's)

This letter will serve notice of first meeting.

You will be notified of the last three meetings again some weeks prior to each one.

Sincerely yours,

(Mrs.) Ruth House Alexander

RHA/ys

May 7, 1956

Mr. Morris Abram
515 Healey Building
Atlanta, Georgia

Dear Morris:

I spent Saturday, May 5th, in Memphis in a Conference on race relations for Memphis and Shelby Counties held at LeMoyne College. Remarkably good people there.

Probably the outstanding member of the Conference was a white lawyer named Grider. I am separated from the program and can't tell you more about it. I believe someone told me that he was with a firm of lawyers of which one Bush is the senior partner.

Now there's a man who is informed, effective, courageous, and bright. I thought you probably collect knowledge of such people.

Sincerely,

George S. Mitchell
Executive Director

GSM/eab

May 8, 1956

Mr. Morris Abram
515 Healey Building
Atlanta, Georgia

Dear Morris:

I spent Saturday, May 5th, in Memphis in a Conference on race relations for Memphis and Shelby County held at LeMoyne College. Remarkably good people there.

Probably the outstanding member of the Conference was a white lawyer named Grider. I am separated from the printed program and can't tell you more about it. I believe someone told me that he was with a firm of lawyers of which one Bush is the senior partner.

Now there's a man who is informed, effective, courageous, and right. I thought you probably collect knowledge of such people.

Sincerely,

George S. Mitchell
Executive Director

GSM/eab

June 29, 1956

Mr. Morris Abram
515 Healey Building
Atlanta, Georgia

Dear Morris:

The Emory man who wrote McClain was a professor in the Theology School named Claude Thompson. Guy Wells wrote him and John Wesley Dobbs wrote him, and Mrs. Tilly either has written him or is about to write him. I imagine McClain got a great many letters trying to set him straight.

Sincerely,

George S. Mitchell
Executive Director

GSM/eab
Dictated by Mr. Mitchell/signed in his absence.

COPY

LAW OFFICES OF
HEYMAN, ABRAM & YOUNG
1504 HEALEY BUILDING
ATLANTA 3, GA.

ARTHUR HEYMAN (1887-1951)
HERMAN HEYMAN
MORRIS B. ABRAM
ROBERT G. YOUNG
CHARLES F. WITTENSTEIN
HELEN T. HARPER

October 26, 1956

Mr. H.C. Dorsey, Chairman,
Atlanta Community Relations Committee
Ford Motor Company
340 South Central Avenue
Hapeville, Georgia

Dear Mr. Dorsey:

I received your letter dated October 24th enclosing the brochure, "Ford's Good Neighbor Policy." Personally, Ford has to engage in no public relations endeavors as far as I am concerned. The broad minded, philanthropic activities of the Ford Foundation and its subsidiaries, including the Fund for the Republic, have captured my imagination and have made me grateful for the present representatives of the Ford family.

Sincerely,

MBA

Morris B. Abram

A/c
CC: Mr. Henry Ford, II

BC: Mr. Robert M. Hutchins
Mr. Harold Fleming

MILLERS FALLS
ONION SKIN

June 6, 1958

Mr. Morris Abram
1504 Healey Building
Atlanta, Georgia

Dear Morris:

Vernon Eagle has just sent us the word that the New World Foundation has agreed to help us again this year to the tune of $15,000 for our Consultant Service Program. There is no doubt that the helpful job you and Phil did with Eagle greatly increased our chances. We have also just had word of a three-year grant from the Rockefeller Brothers Fund. We are getting into the big time!

Thanks and all the best.

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf

LAW OFFICES OF
HEYMAN, ABRAM & YOUNG
1504 HEALEY BUILDING
ATLANTA 3, GA.

ARTHUR HEYMAN (1887-1951)
HERMAN HEYMAN
MORRIS B. ABRAM
ROBERT G. YOUNG

HELEN T. HARPER
MAURICE N. MALOOF

June 10, 1958

Mr. Harold C. Fleming
Executive Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Harold:

I am so glad to hear about the New World Foundation and the Rockefeller Brothers Fund. As far as I am concerned you have always been "in the big time."

Sincerely yours,

Morris

Morris B. Abram

October 15, 1958

Mr. Morris B. Abram
Healey Building
Atlanta, Georgia

Dear Morris:

Here is your copy of the brief in Franklin v. Harber, just returned by the Department of Justice. Putzel expressed thanks for it, but didn't say what use or influence, if any, it had had.

In any case, many thanks for giving me the chance to expose them to it.

Cordially,

Harold C. Fleming
Executive Director

HCF/mf
Enclosure - 1

January 23, 1959

Mr. Morris Abram
515 Healey Building
Atlanta, Georgia

Dear Morris:

Thanks for the good words you wrote to Mrs. Ruth Goddard. I will certainly try to see her at the first possible opportunity and will do my best to live up to the extravagant, advanced billing you have given me.

Thanks, too, for your latest memorandum to Adam Yarmolinsky, which I have just received. I talked to Adam again only yesterday and reiterated my strong feeling that this project should go forward as quickly as possible.

Cordially,

Harold C. Fleming
Executive Director

HCF/mf

COPY

ARTHUR HEYMAN (1887-1955)
HERMAN HEYMAN
MORRIS B. ABRAM
ROBERT G. YOUNG

MAURICE N. MALOOF
JOHN H. HICKS

LAW OFFICES OF
HEYMAN, ABRAM & YOUNG
1504 HEALEY BUILDING
ATLANTA 3, GA.

PAUL L. WAYMAN

January 27, 1959

Mr. Adam Yarmolinsky
Barr Building
Washington, D.C.

Dear Adam:

James Dorsey, who has recently resigned as United States District Attorney asked me to go to lunch with him today and outlined to me at that time the following: He has accepted the appointment as the head of the legal committee of Hope, Inc. (the local organization whose purpose it is to preserve public education in the state) and wished me to serve on the legal committee. I informed Mr. Dorsey of the gist of the memoranda which I previously furnished you and he was in thorough agreement with the need for this work to be done as soon as possible. He stated that if this were done, Hope, Inc. would be relieved on two fronts: (1) the materials necessary to plan legal action would be in being when the crisis arose and (2) Hope, Inc. (should it undertake to suggest legal action) would not have to assume the position of raising anything except the funds to prosecute the actions. You understand, of course, that I do not intend to suggest, nor did Mr. Dorsey intend to prejudge, what Hope's role would be in any legal action.

Mr. Dorsey said that I might convey to you his personal feeling that the study projected in my memoranda would be of great practial use to organizations and persons active in the campaign to save public education.

I was glad to have Jimmie Dorsey's views on this as I feel it important for you to know that those who are planning to save public education feel the need for well timed research and study.

With kindest personal regards, I am

Sincerely,

Morris B Abram

A/c
CC: Harold Fleming

June 15, 1959

Mr. Morris Abram
Healey Building
Atlanta, Georgia

Dear Mr. Abram:

Enclosed you will find the remainder of the chapter "They Would Sit All Night and Listen," from Bill Peters' book The Southern Temper. Through an oversight the copy job was incomplete and the error was just discovered today. I have promised Mrs. Hamilton's secretary that I would drop this material in the mail to you so that you may attach it to the part you are holding.

Sincerely,

(Mrs.) Mildred Flowers
Secretary to the Director

MF
Enclosures

cc: Mrs. Myrtle Mickens

September 3, 1959

Mr. Morris Abram
Healey Building
Atlanta, Georgia

Dear Morris:

Our good research director, Les Dunbar, has done the enclosed draft memorandum summarizing alternative ways of approaching race and economics. This is not meant to be a detailed proposal for your use with the Twentieth Century Fund, but merely a preliminary outline that could be developed further along whatever line seems most promising.

After you've read it, let me know what you think the next step should be.

All the best.

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf
Enclosure - 1.

ARTHUR HEYMAN (1897-1950)
HERMAN HEYMAN
MORRIS B. ABRAM
ROBERT G. YOUNG

MAURICE N. MALOOF
JOHN H. HICKS

LAW OFFICES OF
HEYMAN, ABRAM & YOUNG
1504 HEALEY BUILDING
ATLANTA 3, GA.

January 4, 1960

Mr. Alfred O. Hero
Executive Secretary
World Peace Foundation
40 Mt. Vernon Street
Boston 8, Massachusetts

Dear Mr. Hero:

I have read the draft proposal for study of the South in World Affairs and particularly Section VI. I think the proposed study would be an important one. I have observed the development of the problem for a long time and have been concerned about it. I have some questions as to the method proposed. I believe, for example, that the same results could be obtained by your sending the draft proposal to twenty-five or thirty lawyers whose names could be furnished by myself and several others, with the request that each of the addressees give you their respective comments and reactions. For example, I could comment at greater length and in more detail on the problem, but perhaps it will suffice for the moment if I put down the following reaction: The political South is growing less internationalist for, inter alia, these reasons:

(1) The central political issue in Southern life is segregation. Southern politicians are willing to trade votes on issues which touch segregation and their natural allies have tended to be political leaders from more isolationist sections of the country. These sections, for example, rural areas of the mid-west, tend to be neutral on the civil rights question, having very few Negro voters, and representatives from these areas will trade votes on the civil rights question for Southern defections from the former internationalist front. Thus, the civil rights - segregation issues poison every aspect of American life, affecting as they do votes on schools, housing, foreign trade and world peace.

(2) The South has tended to be a leadership society, one in which men of prestige and education have tended to control both the formal and informal structures of power - more perhaps than in other sections. Formally, these important persons frequently had strong attachments to a rural economy; today the rural influence has waned. The rural based economy had a free trade orientation. The new economy is more protectionist.

(3) With the development of the Negro vote since the case of Smith v. Allwright outlawing the white primary there has developed an even stronger block anti Negro vote which is composed substantially of under-privileged whites. These people have never had a broad perspective, but formerly they were not strong participants in political life; today, aroused by the Negro vote, they are being heard from. This new group of white voters, in my judgment, do not have strong convictions on the issues of international politics, but office holders fear that they could be easily aroused against "give away" programs and could be quickly prejudiced in a vigorous campaign by rivals for office. Therefore, some very entrenched Southern politicians are very careful not to get in an exposed internationalist position for fear of creating issues in subsequent campaigns.

(4) It is generally recognized that the free trade internationalist position is one which (aside from the group whose economic interests dictate such position) appeals to the best informed and most broad minded segments of American life. This segment is more likely to look at racial questions in a temperate and open minded manner. Therefore, there is no natural affinity between the internationalist leaders and the strict segregationist advocate. It is a rare individual who is open minded on only one subject, except from reasons of pure expediency.

(5) The modern lawyer tends less and less to be an independent advocate. He is more and more becoming the retained instrument of business and financial interests. However well educated and however broad minded he may be, today's successful lawyer is more and more an employee and not a professional person. The day when a successful lawyer such as John Adams could defend the soldiers charged with the Boston massacre is rapidly passing. To tell the truth, it probably has already passed. I think the Southern lawyer of 1960 is just as bright, and certainly a substantial group of them are just as open minded asever. However, they are much more close mouthed. They no longer furnish leadership of which they are capable and which they used to supply in abundance.

I can probably suggest some lawyers who might undertake this project as you have outlined it and will do so if you desire. However, I would certainly find it easier to give you the names of, say, fifteen persons to whom you could send the draft and ask for comment.

I will look forward to your reply.

Sincerely,

Morris B. Abram

A/c

BC: Harold Fleming

The Christian Science Monitor
An International Daily Newspaper
Published by The Christian Science Publishing Society
One Norway Street, Boston 15, Massachusetts

Office of the
Editor

April 22, 1960

Dear Morris:

I was most interested in your letter of April 15. We talked it over at the Research Projects Committee meeting. Augie was having qualms about the study of the costs of discrimination on so narrow a basis. Other members of the committee were still very much interested, but weren't sure where a broader approach would lead. Obviously, we need to get a far clearer view of what the broader approach would be.

I will be in touch with USIA (as a member of the Advisory Commission) on the question of their own attitude. I do not think they would be at all averse to the kind of treatment you suggest, but I do not think it would do much good. I think USIA's handling of racial problems in the United States has been as good as the facts would permit. The trouble isn't with the propaganda, but with the situation which is not nearly as good as you and I want it to be. For USIA to handle it on the broader basis would be of some value, but would also sound a bit apologetic.

I am encouraged, however, that events in South Africa shed a more favorable light on us, and am led to hope that the progressive charge of our revolution will be more fully understood in the world.

I hope to see you at Princeton on May 5, but there is now some doubt as to whether I can make it.

Sincerely yours,

Erwin D. Canham
Editor

EDC:mb

LAW OFFICES OF

HEYMAN, ABRAM & YOUNG

1504 HEALEY BUILDING

ATLANTA 3, GA.

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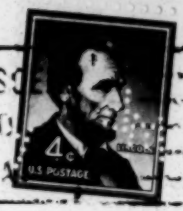
GA.

REPORT OBS
MAIL TO
YOUR POSTM



Mr. Harold Fleming
Southern Regional Council
63 Auburn Ave. N.E.
Atlanta, Georgia

COPY

ARTHUR HEYMAN (1887-1951)
HERMAN HEYMAN
MORRIS B. ABRAM
ROBERT G. YOUNG

MAURICE N. MALOOF
JOHN H. HICKS

LAW OFFICES OF
HEYMAN, ABRAM & YOUNG
1504 HEALEY BUILDING
ATLANTA 3, GA.

PAUL L. WAYMAN

April 15, 1960

Dr. Erwin D. Canham
Editor
Christian Science Monitor
Boston, Massachusetts

Dear Erwin:

You probably saw Harold Fleming's recent article in the Sunday Magazine of the New York Times. For your convenience, however, I am enclosing a copy of the manuscript. I believe that the ideas presented in this piece are not only valid, but represent an important new approach in explaining America's racial problem to the outside world. Harold is Executive Director of the Southern Regional Council and is, in my opinion, one of the most thoughtful observers and analysts of the Southern scene. From his contact with visitors from non-white countries overseas he has come to have very serious reservations as to the effectiveness of the USIA program in interpreting such incidents as sit down strikes and the Little Rock episode. Some time ago, Harold spoke to Ralph McGill on this point and Ralph seemed impressed and asked Harold to put on paper the substance of his views. I am enclosing a copy of Harold's letter to Ralph in which this was done. When McGill was at my house several weeks ago he indicated an interest in pursuing Harold's ideas.

I seriously doubt that, assuming Harold's thesis is correct, the USIA of its own motion would adopt this new approach. The agency is so closely watched by the Congress and Southern members would be hostile to the idea. However, if the stimulus to adopt such a new approach grew out of a study by a respected national foundation, there might be a re-evaluation of the present program and an adoption of a new approach. Harold Fleming and Ralph McGill would, I believe, be available and willing to make some contribution to such a study and re-assessment. I am writing to you at the suggestion of Augie Heckscher. I hope to see you at Princeton on May 5th.

With kindest personal regards, I am

Sincerely,

Morris

Morris B. Abram

A/c
CC: Mr. August Heckscher
BC: Harold Fleming

October 3, 1961

Mr. Morris B. Abram
Heyman, Abram, Young, Hicks & Maloof
1504 Healey Building
Atlanta 3, Georgia

Dear Morris:

As I told you over the phone after my first reading of the Maddox proposal, I think it is good. I have now read it again with the same result. Jim Moss, our Research Director, has also studied it; his enthusiasum is less than mine. Some of his comments I'll try to weave into my remarks that follow. Having said how much I like it, there isn't much else to do except to say what I question or don't like.

Unit I, as described on page four, seems to me necessary, but I hope - out of a long bias against pokey introductions - it will be kept short, literate, and unencumbered by reluctance to lay down conclusions. Maddox notes several times how Units III and IV are to be interrelated; nevertheless, I keep wondering why Units II and III are not combined, in the interest of getting as quickly as possible to the main business, which is Units IV, V, VI. I am sure, however, Maddox has good reasons for his approach and he ought not to be asked to pay much attention to other people's notions of how they would do it.

More substantively, I do have a question about his "hypothesis" on page five. One side of the conflict hypothesized I have no quarrel with; the other side of the conflict is, however, more than new "economic enterpreneurship". I feel justified in urging this point because his framework here is not confined to the economy. The enterpreneurs

To: Mr. Morris Abram

October 3, 1961

are, to be sure, of a different breed and function, and this is crucially important. But they have cold war allies: political and moral pressures from outside, a changed agriculture, cultural intergration between the South and the nation, and - most important of all - the Negro movement; etc. Moreover, Moss points out, I think correctly, that the proposal does not explicitly take into account institutional forces of both change and resistance, such as the corporations, unions, and the federal govenment.

Finally, I have a stand-offish feeling about the study of Negro attitudes proposed on page seven. So much has already been done, I would think enough for Maddox's needs, and a good lot right along the lines he specifically indicates. The one clearly necessary part of this section of the study is the investigation into Negro job training; I am inclined to believe Negro job aspirations and employment "images" are an almost indirect factor of opportunities available for training and employment and will change as those change. My suspicions of the attitudinal study are doubled by the note on page eight that he intends to contract it out. The sub-contracting of bits and pieces of scholarship is a horror which yields only abominations. That last, of course, is a curmudgeonish sort of an opinion; pay it no mind.

This is a highly promising outline. If we can be of any help at any time to Maddox, we'll be most happy to respond.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD:mbb

Dear Trevor,

As I told you over the phone after my first reading of the Maddox proposal, I think it is good. ~~[illegible]~~ I have now read it again with the same result. Jim Voss, our Research Director, has also studied it. His enthusiasm is less than mine. Some of his comments I'll try to weave into my remarks that follow. Having said how much I like it, there isn't much else to do except to say what ~~I don't like~~ questions or don't like.

Unit I, as described on page 4, seems to me necessary, but I hope - out of a long bias against pokey introductions - it will be kept short, literate, & unencumbered by reluctance to lay down conclusions. Maddox notes several times how Units III & IV are to be interrelated. Nevertheless, I keep wondering why Units II & III are not combined in the interest of ~~[illegible]~~ getting on quickly as possible to the main business, which is Units IV, V, VI. ~~No one can expect should expect however that an author or researcher can~~ I am sure however Maddox has good reasons for his approach & he ought not to be asked to pay much attention to other people's ~~[illegible]~~ notions of how they would do it.

More substantively, I do have a question about his "hypothesis" on page 5. One side of the conflict hypothesized I have no quarrel with. The other side of the conflict is more than new "economic entrepreneurship." I feel justified in urging this point because his framework here is ~~wider than only econ~~ not confined to ~~economic~~ the economy. The entrepreneurs are, to be sure, of a different breed and

Progressive

Rec'd 9/21

ARTHUR HEYMAN (1887-1951)
HERMAN HEYMAN
MORRIS B. ABRAM
ROBERT G. YOUNG
ROBERT E. HICKS
MAURICE N. MALOOF
JOHN H. HICKS
JOSEPH LEFKOFF

LAW OFFICES OF
HEYMAN, ABRAM, YOUNG, HICKS & MALOOF
1504 HEALEY BUILDING
ATLANTA 3, GA.

TELEPHONE
JACKSON 5-3471

September 20, 1961

function, & this is crucially important. But they have cold war allies: political & moral pressures from outside, a change in agriculture, cultural integration between the South & the nation and — most important of all — the Negro movement, etc. Moreover, I may point out, I think correctly, that the proposal does not explicitly take

Dr. Leslie Dunbar
Southern Regional Council, Inc.
5 Forsyth St. N.W.
Atlanta 3, Georgia

Dear Leslie:

More than I can tell you, I would appreciate your reading this proposal and letting me have your comments upon it.

Best regards.

As ever,

Morris

Morris B. Abram

reading the

into account institutional forces of both change & resistance such as the corporation, unions, and the federal government.

Finally, I have a stand-offish feeling about the study of Negro attitudes proposed on page 7. So much has already been done, I would think enough for Waddel's needs. The one clearly necessary part of the study is the investigation into Negro job training. My suspicions of the attitudinal study are doubled by the note on page 8 that he intends to contract it out. The sub-contracting of bits & pieces of scholarships is a horror which yields only abominations. That, of course, is a curmudgeonly sort of opinion; pay it no mind.

A/C
Enc.

This is a highly promising outline. If we can be of any help at any time & in any way, let us know. We'll be most happy to respond.

ARTHUR HEYMAN (1867-1951)
HERMAN HEYMAN
MORRIS B. ABRAM
ROBERT G. YOUNG
ROBERT E. HICKS
MAURICE N. MALOOF
JOHN H. HICKS
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1504 HEALEY BUILDING
ATLANTA 3, GA.

TELEPHONE
JACKSON 5-3471

file

October 5, 1961

Dr. Leslie W. Dunbar
Executive Director
Southern Regional Council, Inc.
5 Forsyth St. N.W.
Atlanta 3, Georgia

Dear Les:

Thank you very much for yours of October 3rd, which I found illuminating and helpful.

With kindest regards, I am

Sincerely,

Morris B. Abram

A/c

May 1, 1962

Mr. Morris Abram
Healey Building
Atlanta, Georgia

Dear Morris:

I wrote in an article some months ago that the political influence of the rural Black Belt was declining, "and that is good news for the South, and, indeed, for the nation and the whole Atlantic community." I wouldn't quote myself, except as a means of saying how many are in your dubt. My warmest congratulations. You have labored for it a long time, and last week you were matchless.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj

Rec'd 5/3/62

ARTHUR HEYMAN (1867-1951)
HERMAN HEYMAN
MORRIS B. ABRAM
ROBERT G. YOUNG
ROBERT E. HICKS
MAURICE N. MALOOF
JOHN H. HICKS
JOSEPH LEFKOFF

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HEYMAN, ABRAM, YOUNG, HICKS & MALOOF
1504 HEALEY BUILDING
ATLANTA 3, GA.

TELEPHONE
JACKSON 5-3471

File

May 2, 1962

Mr. Leslie W. Dunbar
Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N.W.
Atlanta 3, Georgia

Dear Les:

You were kind and thoughtful to send me yours of the 1st and I deeply appreciated your remarks.

Sincerely,

Morris B. Abram

MBA/fhw

July 18, 1962

LWD MMJ

Morris Abram's secretary called to return your call to Mr. Abram, as you had warned me they would. I talked with her about the luncheon date for you, Branton and Abram on Friday. As it turns out Abram will be leaving the city on Friday, the 20th, in the morning and will be away through the following Friday. I left it that you would be in touch with him later in the hope that the three of you could get together at time mutually convenient for all of you.

file

March 28, 1963

Mr. Morris Abram
Paul, Weiss, Rifkind, Wharton & Garrison
575 Madison Avenue
New York 22, New York

Dear Mr. Abram:

In view of your interest in Southern affairs and your official connection with the United Nations, I thought you might be interested in the attached news release and chronology of violence, intimidation, and discrimination against a minority of Mississippi citizens. This is being called to your attention for whatever use you may wish to make of it.

Sincerely yours,

Staige D. Blackford
Director of Research

SDB/mmj
Enclosure - 1.

April 3, 1963

Mr. Morris Abram
Paul, Weiss, Rifkind, Wharton & Garrison
575 Madison Avenue
New York 22, New York

Dear Morris:

George McMillan has told me of his conversation with you regarding the book he hopes to write, and has asked me to drop you a note. George is, as you probably know, an unusually talented reporter and a very perceptive analyst. I have gone over the outline of his book, and have since discussed it at length with him. I do not know how far you may be interested in what George wants to do, but if at any time you would find it helpful to have an evaluation from me, I would be, of course, glad to write it.

When you come to Atlanta, and have some free time, we would be delighted if you would call.

All good wishes,

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj

PAUL, WEISS, RIFKIND, WHARTON & GARRISON
575 MADISON AVENUE, NEW YORK 22, N.Y.

MURRAY HILL 8-5600
CABLE: LONGSIGHT, N.Y.

SIMON H. RIFKIND
ROBERT E. SAMUELS
JOHN F. WHARTON
LLOYD K. GARRISON
MYER D. MERMIN
HOWARD A. SEITZ
H. RUSSELL WINOKUR
ALEXANDER HEHMEYER
ADRIAN W. DeWIND
EDWARD G. MILLER, JR.
MORRIS B. ABRAM
MORDECAI ROCHLIN
PAUL J. NEWLON
JOSEPH S. ISEMAN
JAMES B. LEWIS
SIDNEY R. NUSSENFELD
MARTIN KLEINBARD
NORMAN ZELENKO
JOHN E. MASSENGALE
JAY H. TOPKIS
EDWARD N. COSTIKYAN
ROBERT H. MONTGOMERY, JR.
JOHN C. TAYLOR, 3RD
BERNARD H. GREENE
ERNEST RUBENSTEIN

ARTHUR J. COHEN
COUNSEL

RANDOLPH E. PAUL (1946-1956)
LOUIS S. WEISS (1927-1950)

April 8, 1963

Dear Leslie:

Thank you for yours of the 3rd. I'm afraid that as useful as this project might be, it will not be possible for the Field Foundation to assist.

I shall be delighted to talk to you, and hopefully in Atlanta this week.

Sincerely,

Morris B. Abram

Mr. Leslie W. Dunbar
Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N.W.
Atlanta 3, Georgia

April 3, 1963

Mr. Morris Abram
Paul, Weiss, Rifkind, Wharton & Garrison
575 Madison Avenue
New York 22, New York

Dear Morris:

George McMillan has told me of his conversation with you regarding the book he hopes to write, and has asked me to drop you a note. George is, as you probably know, an unusually talented reporter and a very receptive analyst. I have gone over the outline of his book, and have since discussed it at length with him. I do not know how far you may be interested in what George wants to do, but if at any time you would find it helpful to have an evaluation from me, I would be, of course, glad to write it.

All good wishes.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj

July 26, 1963

Mr. Morris Abram
Paul, Weiss, Rifkind, Wharton & Garrison
575 Madison Avenue
New York, New York

Dear Morris:

Paul Anthony has written me a brief memorandum regarding Chuck Morgan's work in Huntsville. I thought you might like to have a copy.

Best wishes.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj
Enclosure - 1.

(PA's memo to LWD dtd. July 24, 1963: "Role of Charles Morgan, Jr., in Univ. of Alabama Desegregation")

November 8, 1963

Mr. Morris Abram
Paul, Weiss, Rifkind, Wharton & Garrison
575 Madison Avenue
New York, New York

Dear Morris:

This is just a word of gratitude for what you have done with the Americus case. It strikes me that this is likely to be one of the most far-reaching precedents affecting the direct action movement. I am no lawyer, but it seems to me that what you did was not only imaginative, but downright brilliant.

All the best.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj

PAUL, WEISS, RIFKIND, WHARTON & GARRISON
575 MADISON AVENUE, NEW YORK, N.Y. 10022

MURRAY HILL 8-5600
CABLE: LONGSIGHT, N.Y.

SIMON H. RIFKIND
ROBERT E. SAMUELS
JOHN F. WHARTON
LLOYD K. GARRISON
MYER D. MERMIN
HOWARD A. SEITZ
H. RUSSELL WINOKUR
ALEXANDER HEHMEYER
ADRIAN W. DeWIND
EDWARD G. MILLER, JR.
MORRIS B. ABRAM
MORDECAI ROCHLIN
PAUL J. NEWLON
JOSEPH S. ISEMAN
JAMES B. LEWIS
SIDNEY R. NUSSENFELD
MARTIN KLEINBARD
RICHARD H. PAUL
NORMAN ZELENKO
JOHN E. MASSENGALE
JAY H. TOPKIS
EDWARD N. COSTIKYAN
ROBERT H. MONTGOMERY, JR.
JOHN C. TAYLOR, 3RD
BERNARD H. GREENE
ERNEST RUBENSTEIN

ARTHUR J. COHEN
COUNSEL

RANDOLPH E. PAUL (1948-1956)
LOUIS S. WEISS (1927-1950)

November 13, 1963

File

Mr. Leslie W. Dunbar
Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N.W.
Atlanta 3, Georgia

Dear Les:

Thank you very much for your kind comments about the Aelony case. I do hope it will have some impact though I don't think the thing is over by a long shot.

Kindest regards.

Sincerely,

Morris

Morris B. Abram

2-16-64

File Abram Morris

JEWISH UNIT PICKS NATIONAL LEADER

Morris Abram Is Chosen by Committee on Rights

N. Y. Times 2/16/64

The appointment of Morris B. Abram as president of the American Jewish Committee was announced last night. Mr. Abram, a lawyer, succeeds A. M. Sonnabend, Boston industrialist, who died last Wednesday in Palm Beach of a heart attack.

Mr. Abram, who was the first legal chief of the Peace Corps, becomes the 13th president of the committee, which was founded in 1906 to protect the civil and religious rights of Jews the world over.

Mr. Abram, a native of Fitzgerald, Ga., practiced law in Atlanta until two years ago. He is now a member of the law firm of Paul Weiss, Rifkind, Wharton and Garrison in this city.

Mr. Abram, who had served as chairman of the executive board of the American Jewish Committee, is currently the United States representative to

Morris B. Abram

the United Nations Subcommittee on the Prevention of Discrimination and the Protection of Minorities.

In this position, he recently submitted a draft convention on the problem of racial and religious discrimination, and he has been active in drawing attention to anti-Semitism in the Soviet Union.

He has served as an attorney in crucial cases dealing with major civil rights and civil liberties issues and was the attorney in a 1962 case before the Federal District Court that struck down Georgia's county unit election system and its denial of voting rights to the people of the state's more populous counties.

Mr. Abram graduated from the University of Georgia and studied at the University of Chicago Law School. He was elected to Phi Beta Kappa and was named a Rhodes Scholar. He earned a bachelor's and master's degree at Oxford University.

During World War II, he served in the Army Air Forces with the rank of major and was awarded the Legion of Merit. He was a member of the American prosecution staff at the Nuremburg trials of Nazi war criminals.

He lives with his wife and five children in Larchmont, N.Y.

Paul
Janet Smith says
Mrs Morris Abram
is now on N.S. - Was
Les gift subscription
and on publications
mailing list.
mj
Sept. 17, 1969

August 15, 1969

Mrs. Morris Abram
4 Willow Road
Weston, Massachusetts 02193

Dear Jane:

We have received from Les Dunbar his check for a gift subscription to New South for you. He also indicated that you were interested in looking into back issues.

Under separate cover we are sending you a complete set of New South since it has been published as a quarterly. We do not have a complete set of the earlier issues, except on microfilm, but they are available from the Serials Publications, University of Michigan, 300 Zeeb Road, Ann Arbor, Michigan 48106. The cost of the microfilm is $33.00. If you have any specific interest, we would be more than happy to go through the single copies available here and send you any that are pertinent to your interest.

Warm regards to you and Morris.

Sincerely,

Paul Anthony
Executive Director

PA/mmj
cc: Mr. L. W. Dunbar

THE FIELD FOUNDATION
100 EAST 85TH STREET • NEW YORK, N.Y. 10028
212/535-9915

August 12, 1969

Mr. Paul Anthony
Southern Regional Council
5 Forsyth Street, N. W.
Atlanta, Georgia

Dear Paul:

Will you please enter a gift subscription to New South for Jane Abram (Mrs. Morris Abram); my check is enclosed. Could you begin with the Spring 1969 issue?

Jane also expressed to me a desire to dip into back issues of New South and asked me how to do it. I did not have an answer. Since talking to her it has occurred to me to ask you whether you would want to give her any advice on this point and/or would want to donate as complete a back file as you can make up of New South to Brandeis University library - assuming it would want them. At any rate, whatever thoughts you have please communicate with Jane.

Her address is 4 Willow Road, Weston, Mass. 02193.

Sincerely,

Leslie W. Dunbar

Enc.

3.00
8-14-69
Km

September 23, 1969

Mrs. Morris Abram
4 Willow Road
Weston, Massachusetts 02193

Dear Mrs. Abram:

Paul Anthony has referred your letter to our research department. We do have a lot of information on tenant and migrant farmers, and under separate cover, I am sending you some xerox copies of these pamphlets. Also included in the materials I am sending you is a copy of The Migrant Farmers and The Lives of Migrant Farmers. Both were written by Dr. Robert Coles.

I am also sending you a list of books suggested by the National Sharecroppers Fund.

I would like to suggest that you obtain a copy of Landlord and Tenant on the Cotton Plantation by T. J. Woofer, Jr. This book was published in 1936 and should cover the period that you mentioned in your letter.

Thanks for writing, and if we can be of further service, please let us know.

Sincerely,

(Mrs.) Doris Reed
Research Associate

DR:js

Dear Paul

Recently I've received two publications of the Southern Regional Council that are of such high quality I want more. The two I've read are the Will To Survive by Anthony Dunbar & John Willie Reed by Charles Weltner. Really superior.

I'm interested in tenant farming and anything which bears a relationship to it, particularly as it existed in the 1930's. I accept your offer of any single copies which would be pertinent. Thank you - Let me

know what I owe you*.
WOW! Thank you
for the complete set of the
New South since it has
been published as a quarterly.
It's hard for me to tell
you how much I appre-
ciate that. Thanks
very much.

Morris sends his
warm regards & HEAVEN
knows I do!

* for these or anything else SR has which you think I could use.

Mr. Paul Anthony,
Executive director
Southern Regional Council
57 Forsyth St., N.W.
Atlanta, Georgia 30303

Casty House, Willow Road, Weston, Massachusetts 02193

MEMORANDUM

PURPOSE OF MEMORANDUM

Officials and groups who prefer the closing of public schools to the most limited compliance with the orders of Federal Courts in Georgia have been busy for four years researching basic legal principles and constructing their legal positions.

Forces which would preserve public education, however, have had only impromptu legal advice and are fortified in the main only by good intentions and deep convictions.

The legal staff of the NAACP has been hammering at the legal edifice of segregation without regard to the ultimate public consequence of the orders it obtains as a result of its legal victories.

As this is written, in the first days of 1959, Georgia faces the prospect of the obliteration of its public school system which will be drastically impaired even if restored, having been once closed down. The social consequences of the closing of the public schools in Atlanta, or any part of this state, cannot be overestimated. Writing in 1875, George W. Cable, a Confederate veteran, put the issue clearly: "If we withdraw our children from the public schools on the color line, thousands of poor parents will follow the example and their children will go to that school of depravity, the street, whose diploma at best is a shaved head and a striped suit. I would rather pay for schools than prisons, though I and all my kin were childless."

It is now manifest that the public school system cannot be saved, if at all, except by legal strategy - well planned and timely executed. The most responsible and experienced leadership of our state, who live in its great urban areas, no longer have any political influence or control in this emotionally charged area of race. The former influence which the so-called "power structure" exercised in political affairs over the elected representatives and officials of the state has evaporated for two reasons: (1) The elected representatives and officialdom are no longer dependent upon legal retainers and campaign contributions from those who have the greatest financial stake in the preservation of public order, the economy and social stability. These political leaders now have access to the hundreds of millions of dollars generated by new sources of tax revenue, particularly the sales tax, and by the increasing prosperity of the region. Georgia's governors in the 30's had to run the state on a budget of $30,000,000.00. This itself was a strain. Today's governor has well over $300,000,000.00 and there is plenty of latitude for a generousand expansive mood in the operations of this huge business. When dependency ceases, influence is short lived and officialdom is no longer dependent upon the "power structure". (2) Even when the "power structure" influence was at its height, it was reluctant to test it in the field of race relations. Responsible members of the "power structure" who could obtain the adoption of large projects

of public improvement with their attendant tax burdens have always been cowed by the prospect of obtaining the slightest advance in the field of race relations. A group who never was daunted by what "they" (meaning the masses) wanted in fields of taxation and public improvement always had a tendency to brush aside any suggestion to change conditions in race status. The answer was always "they" won't let us.

Now it is true that even if the most powerful and influential leaders of the society wish to resist the present trend towards educational suicide, they may be, in fact, powerless to prevent it through heretofore customary channels of influence and control. The channels are closed and the ears are deaf. It is almost as if a whole region were populated by lemmings bound on a mad rush to the sea.

Those with the most to lose in any society are those who possess the most. The closing of the schools will be catastrophic enough. Following this will come a retardation of economic development and conceivably even the dismantling of past gains. Property values certainly will decline, and if public disorder breaks out, the consequences may defy imagination. These are the circumstances which the responsible and conservative forces of every society always fear the most. Generally these forces provide the powerful gyroscope which long in advance of actual necessity steers the ship from such perilous rocks. In the recent past these conservative forces have frequently been critical of the Supreme Court of the United States. Paradoxically

they may be saved now only by the intervention of the federal judiciary.

GEORGIA'S LEGAL DEFENSES AGAINST COMPLIANCE WITH FEDERAL COURT ORDERS

Beginning in 1955, three years before the Supreme Court's most recent decision in the Little Rock case, the state's political leaders, on the advice of competent counsel, passed a series of statutes designed to assure segregation in schools in Georgia. The relevant law developed in this field is extracted and appended hereto as Appendix A.

The statutes involved probably have been rendered, at least in part, unworkable by subsequent decisions of the Supreme Court of the United States. Furthermore, a case now pending before a three judge federal district court in Norfolk, Virginia may establish this principle: that a state may not, under the equal protection clause of the 14th Amendment, operate some school systems while others are closed by virtue of a state order entered because other school systems have been desegregated by court decree. This principle, if established, will strike a substantial blow to the probable past plans of Georgia officialdom. However, if all of the Georgia laws designed to operate quasi private schools, or to close one school system and leave the others open, are declared invalid, Georgia will face chaos unless the schools remain open, particularly in the great cities which are immediately threatened.

HOW THE SCHOOLS MAY POSSIBLY BE KEPT OPEN

The schools of this state cannot be kept open by moralizing from the most respected leaders of the state - church or lay. The schools cannot be kept open through the intervention of the "power structure" which has lost (if it ever had) the power to influence this type of decision. The schools will not be kept open by political leaders because of their past promises and for fear of political repercussion from their potential rivals. If the schools can be kept open at all, they will be kept open only by legal processes through the federal court system. These processes can conceivably be employed both as a carrot and a stick. In a sense the stick actually generates the carrot in this case by restricting what state officials can do and by placing upon those ultimately responsible the most unpopular of choices, legal actions can conceivably hold out sufficient inducements to compliance with law and the preservation of public schools. This is particularly so when one considers that under the Alabama school assignment plan only the most token and limited integration would appear necessary at this time.

Atlanta schools will not be kept open if they can be closed without effecting the schools in Ludowici, Mahunta, Irwinton and Villa Rica. Nor will the schools in the state as a whole be kept open if their closing can be layed at the door of the Supreme Court of the United States. The closing of the schools will be un-

popular and the only hope for preservation is to put this monkey on the back of those who have willed that it be done rather than give the most token compliance to court decisions.

QUESTIONS THAT NEED TO BE RESEARCHED

The questions which need to be researched are numerous indeed. The writer does not pretend to have any of the answers, he only raises certain questions:

(1) Can the state be enjoined from closing Atlanta's public school system while leaving the public school systems in the rest of the state in full operation?
(a) Can this action be brought as a declaratory judgment (probably not under the limited effect which the Supreme Court has given to the federal declaratory judgment act)?
(b) If this action can be brought only as an injunction, when is the action ripe? In other words, when does an actual case andcontroversy exist? Does a case andcontroversy exist at the present time? One is tempted to say that an action brought now would be premature. Yet, under the decisions of the Supreme Court of the United States, it is manifest that a city cannot operate segregated schools - Atlanta is. Under the laws of the State of Georgia attached as an appendix, the governor will close the Atlanta schools when they are desegregated. The damage done would be irreparable. The course of events is predictable and certain. Why wouldn't an injunction lie well in advance of the actual desegregation of this schools system and its attendant evils?

(2) Assuming that Atlanta schools are closed by virtue of the system's obedience to the proclamation of the governor, what steps should then be taken to open the Atlanta schools in the event the rest of the schools in the state are operating?

(3) What, if the Atlanta Board of Education, faced with an integration decision from the federal courts, decided to comply? Of course they would risk prosecution, but would a conviction stand?

(4) What if the city decided to use its own revenues and the officials of the city school system were willing to risk prosecution? Could the City Board of Education enjoin the operation of the act which shuts off state funds and compel the payment of those funds? If the state found itself obliged to provide funds to the Atlanta Public School system under such circumstances, does the governor have the power to shut down the public school system of the state under present statutes? If he doesn't what would be the effect of his being obliged to summon the Legislature to seek the power not to close the schools of Atlanta, but to close the schools of Ludowici, Nahunta, Irwinton and Villa Rica and of every other community in the state as well? Would this not put the monkey on the back of those who are responsible for the decision to close the schools?

(5) How will the people of Ludowici feel if their schools are closed in order to "protect" Atlanta,

which doesn't want this kind of protection and, further, considering the fact that Ludowici knows that it will not face the prospect of desegregation perhaps for generations?

(6) Suppose the state decides to go out of the education business? Everyone knows this decision, if taken, will be thought to be revocable, but if the school buildings are actually sold, maybe the decision can't be recalled. Maybe the person who bought the school and turned it into a mattress factory won't want to give up a thriving business. What, if anything, can be done to prevent the sale of school property?

(7) To what extent do taxpayers, as such, have an interest in these matters, and in what form can their interest be used to develope a legal strategy?

(8) How can any of the above matters be litigated [illegible] with dispatch? Under what circumstances, for example, can the swift and effective decree of a three judge court be brought into play giving a direct right of appeal to the Supreme Court of the United States?

(9) How can teachers (and the Georgia Education Association), who wield vast influence, be made effective against the closing of the school system? To what extent will their pensions and retirement system actually be effected by any number of stratagems which the state may take either under existing or future law designed to assure segregated schools?

(10) What, if any, course is necessary to invalidate the so-called private school plan?

(11) To what extent may the mortgage, indenture and bond holders be interested in the developing crisis? Do they have "standing to sue" and in what kind of case?

(12) Is it conceivable that taxpayers may have "standing to sue" and a cause of action when the schools are closed, and considering that a vast part of the tax structure is specifically designed to support the schools? In other words, will officialdom lose by their precipitative action a large share of this $300,000,000.00 a year resource which made them so independent in the first place?

CONCLUSION

The closing of public schools in Georgia cannot be prevented without legal intervention. If once closed, irreparable damage will ensue, affecting the life of every citizen of our state. It would, therefore, appear of paramount importance that those concerned with this problem undertake immediate steps to in some measure provide, insofar as possible, the answers to the questions above raised.

The study that needs to be done must be kept current with legislative developments in the coming forty day session of the Legislature beginning in January, 1959. The study must also be kept abreast of legal developments throughout the region. The project must be a continuing one.

Appendix A

GEORGIA LAWS DESIGNED TO ASSURE SEGREGATED SCHOOLS

The Constitution

The Constitution of 1945 prescribed that separate schools shall be provided for the white and colored races. Ga. Code §2-6401.

Tax exemptions for religious, educational and charitable institutions are not available to nonsegregated institutions. §2-5404.

Statutes

Implementing §2-6401, §32-937 provides that colored and white children shall not attend the same schools, and that teachers receiving or teaching white and colored pupils in the same schools shall receive no compensation from the common school fund.

Expenditure of Funds

Expenditure of state and local funds for any public school system that does not provide separate schools and in which all white and colored children do not attend separate schools, or for payment of any official, teacher or employee working in any manner for mixed schools or classes, is prohibited. §32-801, -804 (1955).

The State Board of Education is prohibited from approving any school budget of any system that does not provide that all expenditures thereunder shall lapse in the event separate schools are not maintained and all white and colored children do not attend separate schools; and no expenditures can be made under any school budget until approved by the State Board. §32-802.

The above two sections do not apply to funds appropriated for capital outlay and due the State School Building Authority and for payment of principal and interest on bonded indebtedness.

In aid of the foregoing any official "in any wise concerned" in spending or using funds in violation of the above, and the sureties on his bond, are personally liable for the amount so spent or used (§32-804), and is further guilty of a felony with sentence of two years imprisonment (§32-9916). The Attorney General has the duty to prosecute, and on direction of the Governor to bring a civil action.

POWERS OF GOVERNOR

The Governor shall proclaim, whenever he shall ascertain any public school system is not entitled to funds, or cannot be operated in such manner as to entitle them to funds under State laws, the closing of such schools and provide for the preservation and ptotection of school properties; the Governor may close the schools of any one city, county, or independent district, or those of several districts, by one order. §32-805 (1956).

The Governor may by proclamation suspend the compulsory school attendance law (§32-2104 (1945) requiring parents to send to school their children between the ages of 7 and 16) over the whole or any part of the State, when in his opinion it is necessary because of riot, insurrection, public disorder, disturbance of peace, natural calamity or disaster, to protect persons or property or to preserve the general welfare of the State.

Grants to School Children

When any school system is closed by the Governor, each child resident of the district, between 6 and 18 who has not completed his education becomes entitled, during the remainder of the year in which the schools are closed and each year thereafter, to receive an educational grant from State and local funds. The grants will be calculated as provided by order of the Governor, who shall prescribe rules and regulations for administration of the grants. They will be paid from

State funds as provided to be expended for individual pupils under appropriations of force for public schools;

Additional amounts as deemed necessary by the Governor, from appropriations made therefor by the General Assembly;

Available Local funds divided among the school children in the district entitled to grants.

Each school district shall have the same power and duty to assess, levy, collect, and spend tax monies for the purpose of making such grants as are provided by the Constitution and laws in respect to public schools. §32-805, -806, -807, -808 (1956).

Note that these grants are to be provided "in discharge of all obligation of the State in respect of education" (§32-805 (1956); the State's "primary obligation" to provide "an adequate education for its citizens" (Const. §2-6401) has never been repealed.

The expenditure of said educational grants, or any portion thereof, by their recipients for religious sectarian education is made a misdemeanor. §32-9917 (1956).

Leases of School Property

The various political subdivisions and governing bodies of school districts and systems have the power to lease for periods up to 5 years any school house or other property for private educational purposes to persons and corporations engaged in the operation of a private school. §32-809 (1956).

Provisions for Teachers

Teachers and school employees covered by any school retirement plan who accept employment in private non-sectarian schools in which students attending the same are eligible for educational grants (by virtue of the public schools they attended having been closed) shall continue to be entitled to benefits provided they continue to make or cause to be made such contributions as would have been required for their benefit had they continued in the public schools. §32-2931 (1957).

The Board of Trustees of the Teachers' Retirement System of Georgia is required to permit private nonsectarian schools and their teachers and employees, upon request, to make contributions to the Teachers' Retirement System and be covered thereby. The State may not make contributions on account of such private school teachers. §32-2901 (as amended 1957).

File - Morris Abram

MEMORANDUM

POLITICAL - LEGAL

The Georgia legislature is now in session. The first four bills introduced by the administration floor leader in the Senate on January 16th were the following:

SB 1. "A bill to implement the power of the Governor as conservator of the peace throughout the State; to define the powers with respect to the operation of public schools; to provide for the closing of public schools; and for other purposes.

SB 2. A bill to implement the powers of the Governor as conservator of the peace; to authorize the Governor to close any school under control of the Board of Regents; and for other purposes.

SB 3. A bill to govern the admission of students to the University of Georgia as to age; to declare exceptions; and for other purposes.

SB 4. A bill to provide for the conduct of certain actions; to provide for the designation of counsel in certain actions; and for other purposes."

The above bills attempt to fortify the state's legal position on the segregation front. It is the hope of the sponsors that Senate Bill No. 1 will discourage white plaintiffs from initiating the Norfolk type federal suit which could close down the school system of the whole state. The thought is that if only one or two white schools are closed (as opposed to the whole system of a city) as, for example, in Atlanta, the parents affected could be offered the facilities of the other white schools, perhaps on a double time basis. This would considerably reduce the wrath and might stave off litigation.

In any event, the administration forces are alert, aware of their problem and are doing considerable planning to meet it.

PLAN OF STUDY

(a) Purpose of Study

The study would be directed towards bringing up together at one place the entire body of statute law (and, in the case of Atlanta, city ordinances) affecting the operation of the state public school system; The methods of taxation relevant to the same; the manner and mode of disbursements of funds; the authorities holding responsibility

in the various phases of education (including the disbursement of funds); the provisions with respect to the financing and amortization of the current operations of the state school building authority; also the state judicial authority with respect to the state's operations in the field of public education; the application of the state equal protection clause in this field.

Also, a study of the application of all federal decisions since Brown v. Topeka in relation to the Georgia statutes mentioned above; the investigation of the application of the federal declaratory judgment act and the equity power of the federal court system to prevent or forestall action which, if taken, would be illegal under existing federal decisions in this field; the study of the question of standing to sue and the proper defendants in relationship to any litigation; also, research into the effect of probable state action (under existing statutes) on the teachers pension and retirement system; also, the study of the effect of and probable course of prosecution under existing statutes which make it a felony to operate a school which the courts have ordered to be integrated.

It is obvious that the above questions, upon further examination, will yield many others which would logically need to be included in any comprehensive study.

(b) The Personnel

It is believed that the study would be of sufficient scope that at least three people would be involved, at least one of whom should have considerable experience in federal litigation and who would be knowledgeable in the area of legal stategy and informed as to the political scene. The two other researchers should also be practicing lawyers who have a practical grasp of the application of the academic material. Hence, if the study is to be of practical benefit it will require the time of three practicing attorneys, one of whom should be of senior qualifications. In this respect, it should be pointed out that southern state administrations have for years consistently used top practicing legal talent in developing their strategy in this field.

(c) Time and Cost

It is anticipated that the study will take three months; it is impossible to accurately estimate the number of hours of legal study and group discussion it would consume of the three attorneys involved, but it is perhaps safe to say that this would run between 300 and 500 hours. In addition, there will be an enormous amount of secretarial service required. It is anticipated that this will be furnished by the lawyers participating in the study. It is believed that a

minimal compensation for the attorneys would be $7500.00 and compensation for secretarial services for three secretaries who would be involved would be $1800.00. In addition, there would be incidental expenses - telephone, paper and supplies - of not more than $200.00. The total cost of the project would, therefore, be $9500.00.

USE OF MATERIAL

Material produced by the study would obviously be of great practical application. The persons involved, however, would undertake no commitments whatever with respect to their making application of the material. It would be available, however, for such responsible public groups as could use the material for educational or other purposes. Presently two come to mind - Hope, Inc. and The League of Women Voters. They have not been consulted but these are two organizations, for example, which seem interested in preserving public education. There are others and maybe there will be many more as the time for the demise of public education arrives. When that time comes there will be many who will want such material as would be developed in this study, but the material will not be available in time unless it is developed now.

SW - set up
file on this

A A

ADULT EDUCATION ASSOCIATION of the U.S.A.

1225 Nineteenth Street, Northwest, Washington, D. C. 20036

#42

November 20, 1964

Dear Friend:

Members of AEA often suggest the names of people they believe would find the work of the Association and its periodicals interesting and helpful. Your name came to us that way.

I am writing on behalf of the officers and members to extend to you a cordial invitation to join. The enclosed brochure gives some information about the Association and includes a membership application.

Who belongs to AEA? Teachers, businessmen, librarians, labor leaders, social workers, training directors, housewives, county agents, club workers, nurses, home economists, clergymen -- I'll stop there. People join AEA not only because of what they do, but because of what they believe. For the Association provides people with a means of working together to extend opportunities for enriched living to greater numbers of people.

The Association is also a service agency for the field of adult education. Currently it provides the field with information and assistance in carrying out the educational tasks growing out of such critical issues as the War on Poverty, the manpower requirements of the Nation, the need to match the conquest of time and space with a victory over ignorance, prejudice and fear.

You may if you wish subscribe to either or both of the Association's periodicals - Adult Leadership or Adult Education -- without becoming a member. I should add that subscription prices of our periodicals will increase early in 1965, although membership dues will remain the same.

I enclose a self-addressed envelope for your convenience in responding to this invitation. I hope very much to hear from you.

Sincerely,

Eugene I. Johnson

Eugene I. Johnson
Executive Director

Enclosures

FIRST CLASS
PERMIT NUMBER
35538
WASHINGTON, D. C.

BUSINESS REPLY MAIL

NO POSTAGE STAMP NECESSARY IF MAILED IN THE UNITED STATES

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Adult Education Association of the U.S.A.
1225 Nineteenth Street, N.W.
Washington, D. C. 20036

ADULT EDUCATION ASSOCIATION OF THE U.S.A.

INFORMATION FORM FOR MEMBERSHIP DIRECTORY

(Use typewriter or print legibly so that information will appear correctly in Directory.)

Please complete and send by return mail. No follow-up questionnaire will be sent.

Your Name .....
Last Name First Name Middle Initial

Your Agency .....

Your Title ..... Check preferred mailing address

Agency Address ..... ☐
Street City State Zip Code

Home Address ..... ☐
Street City State Zip Code

EDUCATION AND DEGREES:

Colleges and Universities	Degrees Awarded	Year Granted
a.		
b.		
c.		

CAREER DATA (select three major positions held)

	Position	Institution	Dates
a.			
b.			
c.			

REPRESENTATIVE PUBLICATIONS—List no more than three titles of your most significant publications; if book, list title and date; if article, list source.

1. .....
.....
2. .....
.....
3. .....
.....

INTEREST SECTION—Please indicate in order of importance, using number 1, 2, 3, the *three* sections representing your most important interests:

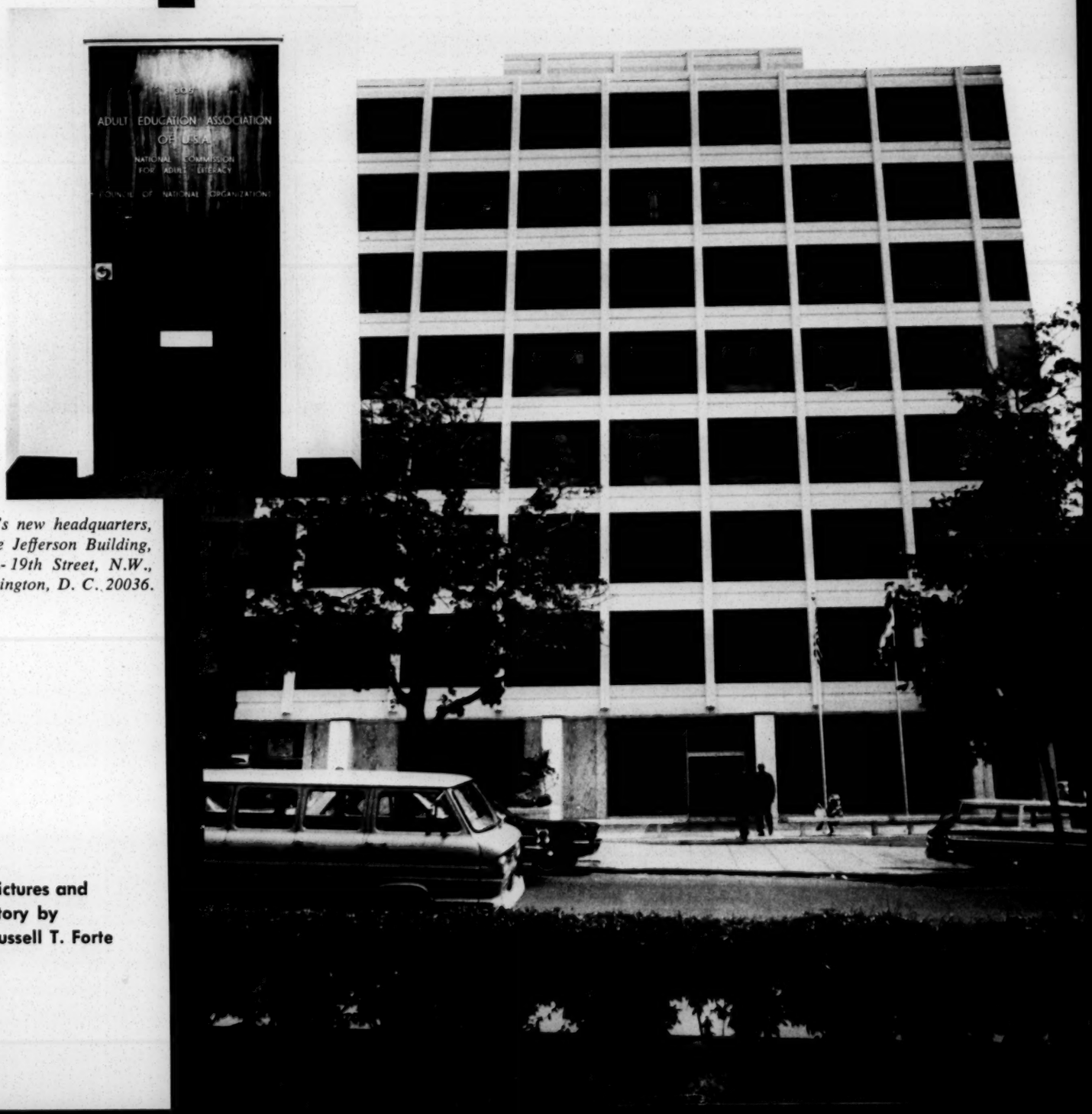
- ☐ 1. Adult Basic Education
- ☐ 2. Armed Forces Education & Training
- ☐ 3. Community Development
- ☐ 4. Education for Aging
- ☐ 5. Education and Industry
- ☐ 6. Home and Family Life Education
- ☐ 7. International Affairs
- ☐ 8. Labor Education
- ☐ 9. Liberal Adult Education
- ☐ 10. Mass Media in Adult Education
- ☐ 11. Public Affairs Education
- ☐ 12. Religious Adult Education
- ☐ 13. Residential Adult Education
- ☐ 14. Rural Adult Education
- ☐ 15. Training & Professional Development
- ☐ 16. Other .....

INSTITUTIONAL AUSPICES—with which you are identified (check one)

- ☐ 1. Business & Industry
- ☐ 2. Cooperative Extension
- ☐ 3. Correspondence Schools
- ☐ 4. Evening Colleges
- ☐ 5. Government Agencies
- ☐ 6. Labor Unions
- ☐ 7. Libraries
- ☐ 8. Mass Media
- ☐ 9. Men's & Women's Clubs
- ☐ 10. Museum & Art Institutes
- ☐ 11. Music, Theatre & The Arts
- ☐ 12. Public Schools
- ☐ 13. Religious Institutions
- ☐ 14. Residential Schools
- ☐ 15. Social Welfare Agencies
- ☐ 16. University Extension
- ☐ 17. Voluntary Associations & Councils
- ☐ 18. YMCA or YWCA
- ☐ 19. Other .....
Name

Return to: Adult Education Association (USA), 1225 - 19th St., N.W., Washington, D. C. 20036

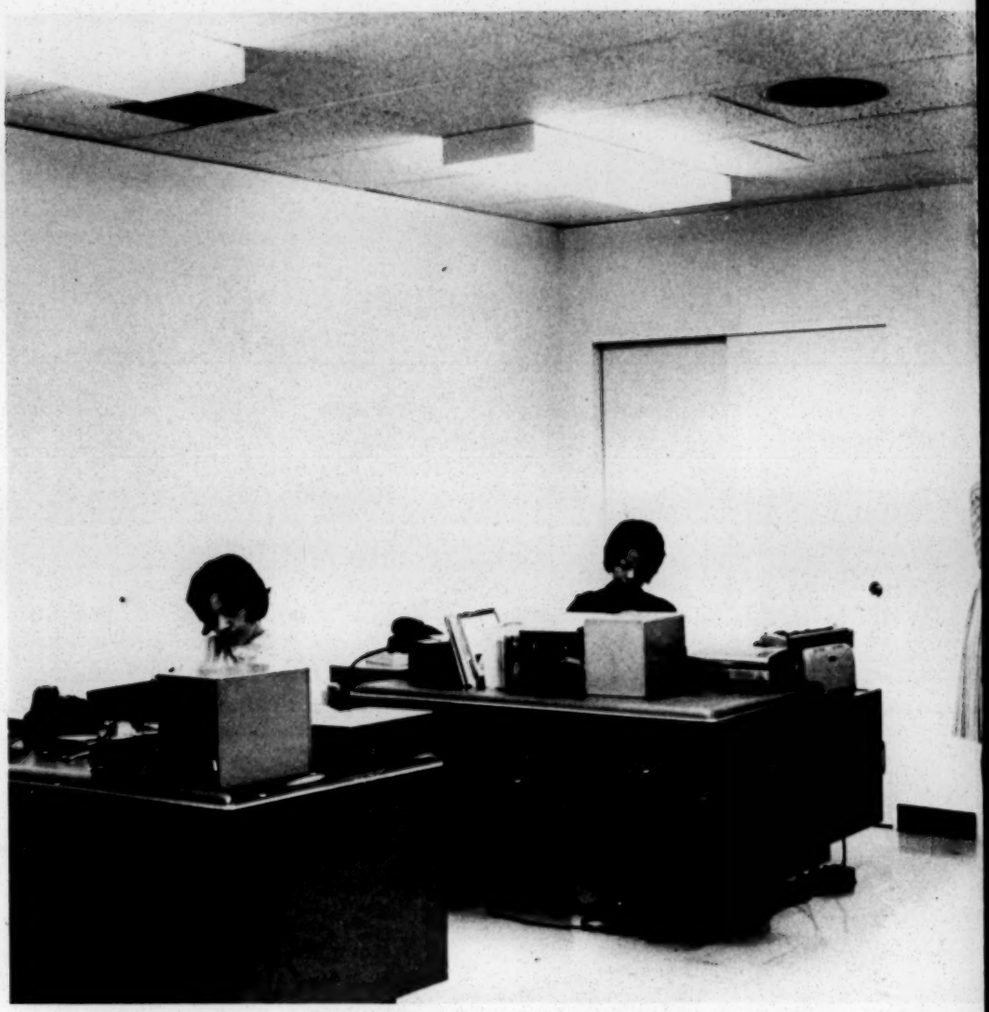
ADULT EDUCATION ASSOCIATION *of the* USA



AEA's new headquarters, the Jefferson Building, 1225 - 19th Street, N.W., Washington, D. C. 20036.

Pictures and Story by Russell T. Forte

President Arthur Crabtree and Mrs. Betsy Angert, Business Manager, discuss headquarters work in one of the offices.



Dana W. Allen, director of the National Commission for Adult Literacy, a major affiliate, has office space in the AEA suite.

OUR NEW OFFICE FA

On April 1st, 1964 the Adult Education Association of the U.S.A. moved its headquarters f 19th Street, N.W., Washington, D. C. AEA's new offices are in the Jefferson Building, a ne Circle. In making this move, AEA regretfully lost intimate association with certain Chic close and generous neighbors. In voting the move, however, the Executive Committee an by a desire to move AEA's offices to Washington so as to provide ready contact with a mult education located in Washington, and with federal government agencies having an inte Washington, more than in any other city, one is aware of and sensitive to issues which fac Situated with AEA in its new offices are the headquarters of the National Commission for of the Council of National Organizations. On the first floor of the Jefferson Building are International Club, while on the top floor are the offices of Washington's new educational The Executive Director and his staff are in position to represent the varied interests of adu in this key center—the nation's capital. Members and friends are cordially invited to visit

Officers and staff members of AEA are shown in the International Club, located in the Jefferson Building, which offers facilities for a relaxed exchange of ideas between AEA officials and those of other organizations with which they work.

AEA Staff members work in the production room in the AEA office.

CILITIES

rom 743 N. Wabash in Chicago to 1225
w modern structure located near Dupont
go-based organizations which had been
d the Delegate Assembly were motivated
tude of organizations interested in adult
rest in the field of adult education. In
the United States at the present time.
Adult Literacy and also the branch office
the facilities of the recently organized
elevision station (WETA).
t educators throughout the United States
the office when in Washington.

BENEFITS OF THE MOVE

AEA has concluded two major contracts since moving to Washington. One contract is with the Agency for International Development to establish a center for a two-year survey and analysis of adult education activities in Latin America. Under the terms of the contract AEA will organize teams of specialists to survey specific fields of adult education and to make recommendations to AID on adult education priorities. AEA will conduct at least one international conference in a Latin American country to bring adult educators from this country together with ones from Latin America. AEA Executive Director Dr. Eugene I. Johnson (at right in opposite picture) discussed adult education in Latin America with Jack Mezirow (left) of AID and William P. Rogers, U.S. deputy director of the Alliance for Progress, during a recent visit to the State Department.

Under a contract with the U.S. Public Health Service, AEA will survey literature of community development for materials that are relevant to providing health services to people suffering from poverty. It will also conduct a small conference, bringing health and community educators together, to discuss implications of the survey findings for the organization of health services at the metropolitan level. On this contract AEA has been working closely with Daniel Sullivan, of U.S. Public Health Service, shown talking at right about the conference with W. C. Dutton (on left), director of the National Capital Planning Commission and chairman of the National Committee on Urban Life, which will participate in the conference. The NCUL was initiated by AEA's Community Development Section in 1960. AEA's present executive director was its first chairman.

With the move to Washington, AEA can more conveniently plan joint activities, such as the San Francisco Poverty Workshop (see "Of Special Interest" on last page). Shown left to right in picture at right taken at NEA are Robert Luke, of the National Association for Public School Adult Education; Dr. Edward Brice, Director of the Adult Education Branch of the U.S. Office of Education; Eugene Johnson of AEA; and Thomas McLernon, Assistant Director of the Adult Education Division of NEA.

MEETINGS ON LEGISLATION

AEA has been in close touch with proposed legislation and is responding to the challenge of poverty. Attention is particularly paid to educational implications of legislative developments. At a recent breakfast held by AEA to discuss the Adult Basic Education bill, Congressman George E. Brown of California, 10 years a member of AEA, agreed to seek inclusion of the bill, long stalled in the House Rules Committee, in the anti-poverty legislation (Economic Opportunities Act of 1964). Congressmen Brown and Perkins (D., Ky.) accomplished this quickly. With the recent passage of the poverty legislation, the Adult Basic Education program will soon get off the ground. While the University Extension bill is not included, President Lyndon Johnson made a very favorable reference to the need for expanding university extension in a recent talk in California. Meeting in Congressman Brown's office recently were, left to right: Representative Brown; AEA President Crabtree; Hugh G. Pyle, Director of Research for the Continuing Education Service at Pennsylvania State University; and Dr. Blue Carstenson, Executive Director of the National Senior Citizens Council and Chairman of AEA's Legislative Services Committee.

Poverty is more than a matter of economics. Prior to passage of the present bill by the Congress, poverty had become a great national issue. AEA has invited interested national adult education organizations to join in developing a unified response to the poverty program. Twenty four different organizations have participated in discussions to date. Conversations have been held with officials of the major federal departments responsible for important parts of the program. One such meeting was with Hyman Bookbinder, a member of the President's Task Force. Participating in the discussion are, left to right: Thomas McLernon, NEA; Eugene Johnson of AEA; James Quimper, Chairman of the Poverty Committee of the National University Extension Association; Miss Helen Diamond, B'nai B'rith; Edward Brice; Mr. Bookbinder; and Dr. John Holden, AEA President-Elect and Director of the Graduate School, U.S. Department of Agriculture.

OF SPECIAL INTEREST

WORKSHOP

William Patrick, a member of the President's Task Force on the War against Poverty, will be featured at an October 29 Workshop on Poverty in San Francisco now being planned by AEA's California task force in cooperation with the University of California. The workshop will be held immediately preceding the annual conference of NAPSAE. Mr. Patrick will participate in an opening session on community action. Special sessions of the workshop will help adult educators in all areas of the field gear their activities into the developing national program. He is a former City Councilman from Detroit.

NEW BOOK

Adult Education: Outlines of an Emerging Field of University Study, a major work long in preparation by the Commission of Professors of Adult Education, is now at the printers. The book, which will be ready for distribution this fall, contains chapters by various professors. Its preparation and publication were financed by a grant from the W. K. Kellogg Foundation.

FALL CONFERENCE

AEA's Annual Conference will be held in Milwaukee, November 15 through 17. Its theme is Adult Education 1984—A Look Ahead. Dr. Wilson Thiede of the University of Wisconsin is Conference Chairman.

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You Are Invited To Join

THE ADULT EDUCATION ASSOCIATION OF THE U.S.A.

1225 19th Street, N.W. **Washington, D.C.**

Performing many services for Adult Education in and from the Nation's Capital

THE ADULT EDUCATION ASSOCIATION OF THE U.S.A.

A national membership organization dedicated to service for all programs of education for adults

AEA SERVES THROUGH:

Publications

ADULT LEADERSHIP is a national magazine issued monthly, except July and August, for the benefit of leaders of adult education—whether lay or professional, part-time as of a voluntary organizations, or full-time workers. It is readable, popularly written, and provides a reservoir of ideas and techniques.

ADULT EDUCATION — A quarterly magazine geared to the interests of the professional worker in adult education, dealing primarily with research and theory underlying adult education activities.

Special Publications — Many books, bulletins, news letters and pamphlets of interest in specialized areas of adult education are published. Some are free and others are available at reduced prices to members. Examples of the books published are the 624-page *Handbook of Adult Education in the U.S.*, and *Adult Education: Outlines of an Emerging Field of University Study*. Examples from an extensive pamphlet series are: *How to Lead Discussions, How to Teach Adults*, and *Working with Volunteers*.

Field Service—In this program AEA works to stimulate and coordinate local, state and regional adult education efforts. Valuable manuals on fact-finding conferences and community action have been an outgrowth of this activity.

Legislative Information—A legislative committee, widely representative of adult education, keeps in touch with proposed legislation, informs the membership, and makes recommendations.

Special Projects—AEA undertakes projects for government agencies, foundations, industry and other institutions in which the objectives relate to the special capabilities and goals of AEA. For example, AEA has currently contracted with the Agency for International Development to establish a survey center on Latin America which will gather data, study adult education needs, resources available, carry on analyses, and make recommendations as to the most appropriate and effective programs. In doing so AEA will utilize talent and resources from many adult education agencies.

As another example, AEA provides a means for all interested adult education agencies to join their efforts in a concerted attack on issues of national significance. An adult education task force of 24 national organizations presently works with the President's Task Force on Poverty to draw educational resources more vigorously into the war on poverty.

Conferences—AEA conducts an annual conference, usually combining its efforts with those of other national and local adult education organizations, for discussion of timely adult education topics and issues. Regional and local conferences for specialized purposes are also sponsored.

Clearing House and Consultation Service—From its wide contacts and broad membership resources, AEA is equipped to perform a clearing house function for the whole field of adult education.

Miscellaneous—AEA acts, as the occasion demands, for adult education in U.S.A. on the national and international levels. Other services can include job referrals, reference services, publicity at the national level, representing adult educators and agencies in relations with other national organizations, cataloging research studies in adult education, and preparing a membership directory.

SPECIAL INTEREST SECTIONS

All members of AEA are entitled and encouraged to belong to and participate in one or more of the following special interest sections. Some hold meetings during the year, all meet at conference time and many issue their own publications or newsletters.

1. *Adult Basic Education*
2. *Armed Forces Education and Training*
3. *Community Development*
4. *Education for Aging*
5. *Education and Industry*
6. *Home and Family Life Education*
7. *International Affairs*
8. *Labor Education*
9. *Liberal Adult Education*
10. *Mass Media in Adult Education*
11. *Public Affairs Education*
12. *Religious Adult Education*
13. *Residential Adult Education*
14. *Rural Adult Education*
15. *Training and Professional Development*

AEA MEMBERSHIP

GENERAL MEMBERSHIP: For those interested in the broad concept of continuing education. These members receive *Adult Leadership* plus all membership privileges.

PROFESSIONAL MEMBERSHIP: For those who teach adults, administrators of extension or adult education programs, and those involved in the professional field of adult education. These members receive *Adult Leadership,* plus *Adult Education,* plus all membership services.

CONTRIBUTING MEMBERSHIP: For those dedicated to the cause of adult education and who wish to make a greater financial contribution to it. These members receive regularly both magazines and copies of all new publications, except books, as they are produced, plus all membership privileges.

ORGANIZATIONAL MEMBERSHIP: For schools, libraries, business firms, churches, labor, voluntary organizations and public organizations or agencies concerned about continuing education. These members receive all membership services plus three copies of both magazines and a copy of each new publication except books.

* * * * *

SUBSCRIPTIONS ONLY: If you prefer to receive only the publication *Adult Leadership* or *Adult Education,* you may subscribe to either or both of these national magazines by so indicating on the application form.

ADULT EDUCATION

The rate of technical and scientific change, social and economic progress, international developments, and increased leisure time all combine to make continuing education essential throughout life.

Advanced education is becoming the requisite qualification for more and more jobs and occupations, and proficiency in the professions requires constant updating. Government—federal, state and local—is making greater provision for vocational education of adults and for individual development. Industry devotes increased attention to employee education. Of equal importance is adult education which promotes civic consciousness, inculcates in the individual his responsibilities in a democracy, and considers the meaning of life itself and human institutions.

Hundreds of agencies and organizations in the United States are engaged in programs of adult education. It is to provide a focus, a united front to these efforts, and to serve a clearing-house function, that AEA exists. With national offices in Washington, D.C., and with its affiliated state groups, AEA prepares for greater service. It deserves your support and participation.

If you are concerned with any of the following agencies of adult education you should be a member of AEA:

Business and industry, cooperative extension, correspondence schools, evening colleges, government agencies, labor unions, libraries, mass media, men's & women's institutes, music, theater & the arts, public schools, religious institutions, residential schools, social welfare agencies, university extension, voluntary associations & councils, YMCA-YWCA.

****

FOUNDED APRIL 1951, COLUMBUS, OHIO

APPLICATION FOR MEMBERSHIP IN AEA

Name ..... (PLEASE PRINT)

Mailing Address ..... (STREET)

City ..... State ..... Zip Code .....

Organization .....

Please check desired membership category, detach and return with check payable to:

ADULT EDUCATION ASSOCIATION OF THE U.S.A.
1225 19th Street, N.W., Washington, D.C. 20036

Memberships

General	($7.50)	☐
Professional	($15.00)	☐
Contributing	($25.00)	☐
Organizational	($50.00)	☐

Subscriptions only

Adult Leadership	($5.00)	☐
Adult Education	($5.00)	☐

Canadian Subscribers add 50¢

Foreign Subscribers add $1.00

MEMBERSHIP FEES ARE TAX DEDUCTIBLE

Make folder "Adult Education, Conference on" file in "A" Section

December 21, 1966

Dr. Glenn R. Snider
Professor of Education
The University of Oklahoma
Norman, Oklahoma 73069

Dear Dr. Snider:

As by now is obvious, our hopes for the conference on adult education being held in 1966 are discarded.

Tentatively, we have scheduled this meeting for January 26, 1967. The meeting would be held in Atlanta, running from about 10:00 a.m. to 4:00 p.m. Are you available on that date?

This same letter is being sent to Dr. John O'Hara.

Every good wish to you and your family for the holiday season.

Sincerely,

Paul Anthony
Executive Director

PA/mmj

December 21, 1966

Mr. G. H. Griffiths
Asscciate Program Director
Education Division
The Ford Foundation
477 Madison Avenue
New York 22, New York

Dear Bill:

It now looks as if our meeting on adult education will be held on January 26th. The meeting will be in Atlanta, beginning about 10:00 a.m., and ending around 4:00 p.m. More detailed information will be sent you shortly after the first of the year.

Every good wish of the holiday season to you and Mrs. Griffiths.

Sincerely,

Paul Anthony
Executive Director

PA/mmj

December 21, 1966

Mr. Benjamin Muse
Heron House
Reston, Virginia

Dear Ben:

You may recall that I spoke to you some time ago about a one-day meeting of a few people to discuss adult education and what specific programs we and others might develop along these lines.

Tentatively, we have set such a meeting for January 26th here in Atlanta. Are you available on that date?

We would very much like to have you participate and will send you more detailed information shortly after the first of the year.

Every good wish for the holiday season to you and Mrs. Muse.

Sincerely,

Paul Anthony
Executive Director

PA/mmj

BENJAMIN MUSE
HERON HOUSE
RESTON, VIRGINIA 22070

file

December 27,1966

Mr.Paul Anthony
Executive Director
Southern Regional Council
5 Forsyth St.N.W.
Atlanta, Ga. 30303

Dear Paul:

January 26 is quite suitable for me.

I will be happy to meet with you in Atlanta on that date.

Sincerely,

Ben Muse

Benjamin Muse

December 30, 1966

Dr. Charles V. Smith
Department of Sociology
Florida A. & M. College
Tallahassee, Florida

Dear Dr. Smith:

On Thursday, January 26, the Southern Regional Council will hold a meeting of approximately twelve persons to consider what types of programs, if any, an agency like ours can develop to reach and influence public opinion during this serious period of a "backlash."

The meeting will begin at 10:00 a.m., and end about 4:00 p.m. It will be held at the Southern Education Foundation, 811 Cypress Street, N. E., Atlanta, Georgia. We are able to provide travel expenses for persons attending.

Dr. John Griffin has suggested your name as one who could make a valuable contribution to this meeting. We would be grateful if you found it possible to attend.

We will be happy to provide you with a travel advance, and to make hotel reservations for you should you need them.

With best wishes,

Sincerely,

Paul Anthony
Executive Director

PA/mmj

MAY 15 1970

Food for All

SUITE 535
1346 CONNECTICUT AVENUE, N. W
WASHINGTON, D. C. 20036

May 11, 1970

Ray Wheeler, M.D.
Southern Regional Council
1900 Brunswick Avenue
Charlotte, North Carolina 28207

Dear Dr. Wheeler:

In December, 1969, President Nixon, addressing the White House Conference on Food, Nutrition and Health, said:

> " . . . I commit to your concern the lives of millions of Americans, too young, too old, or too hurt by life to do without your help. I commit to your concern the not less serious task of helping to bring the rest of America to understand what we seek and to join us in adding this new dimension to the concept of American democracy."

The President was talking about improving the food supply of the poor; he was talking about making Federal food and income plans work in every county in America.

There are still over 100 counties in the United States with no food programs whatsoever for their poor; in almost 1,000 of the nation's 3,100 counties, the participation rate of the poor in Federal food programs is less than 33%, even though local authorities claim to have instituted a food stamp or direct distribution program. Many who are served receive inadequate assistance. Over a million school children in poverty have yet to receive their first free or reduced-price school lunch.

With this in mind, seven national non-profit organizations* are approaching the Office of Economic Opportunity to fund a project entitled "Food For All, Inc." This endeavor seeks to utilize the local acceptability of subsidiaries of national non-profit organizations to make food programs work better. Food For All suggests that in those counties and jurisdictions where less than 33% of the poor are enrolled in an adequate food program, the private sector should be brought in to improve the performance of Congressionally approved hunger efforts.

The sponsors of Food For All recognize that their local affiliates do not have influence in all of the hunger-troubled counties of the United States. The sponsors are therefore establishing an Affiliate Council to be made up of national organizations willing to be consulted on how to improve food and income programs in hunger-troubled counties. Food For All suggests that in many of these areas the local subsidiaries of the Affiliate Council members may be able to work with local decision-makers to help make food and income programs serve the poor as Congress intends.

Membership on the Affiliate Council does not commit an organization to any specific course of action. It does, however, represent moral support for the theory of employing the private sector in the alleviation of these poverty-related problems. It does invite inquiries from Food For All to the Affiliate Council members to see if their local subsidiaries, given a small cash grant, can develop local public interest to the point where food and income programs operate properly.

At this time, we formally approach your organization to request that you join the Affiliate Council of Food For All, Inc. To be fair to the many organizations receiving this letter, we ask that you reply, if possible, within thirty days.

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*The American Friends Service Committee, The League of Women Voters of the U.S., The National Council of Negro Women, The National Federation of Settlements and Neighborhood Centers, The Southwest Council of La Raza; an Indian group and a service club are yet to be named.

For further information on Food For All, Inc., we enclose a brief description of its operation. Replies may be addressed to Mrs. Frances Flippen, Dupont Circle Building, 1346 Connecticut Ave., N.W., Suite 832, Washington, D.C. 20036.

Sincerely,

Dorothy Height

Dorothy Height
National Council of
Negro Women

Richard H. Granger

Richard Granger, M.D.
National Federation
of Settlements and
Neighborhood Centers

(for the sponsors)

Enclosure:

Food For All, Inc. -- A Summary

FOOD FOR ALL, INC. - A Summary

Food For All Inc. is a pending non-profit 501(c)(3) organization formed as an amalgamation of existing non-profit organizations interested in eliminating poverty-induced hunger and malnutrition in the United States. Food For All Inc. will use funds from the Office of Economic Opportunity to provide a private thrust into hunger-troubled areas where the present efforts of the Office of Economic Opportunity and the Department of Agriculture seem to be inadequate.

Food For All Inc. is a private-sector effort to act where government seemingly cannot. It will work primarily in counties where the participation rate of the poor in Federal food programs runs from zero to 33%. It expects to go out of business in three years.

Food For All Inc. will be governed by a Board of Directors, seven of whom represent the sponsors* and four of whom represent, insofar as possible, the hungry poor. There will be an Affiliate Council of those non-profit organizations also interested in eliminating poverty-induced hunger and malnutrition in this country. An Advisory Board will ensure that the Board of Directors remains sensitive to local problems.

Food For All Inc. will make grants to local non-profit groups; sufficient flexibility in the national organization of Food For All will be maintained to permit funding through national organizations or directly to non-profit groups of a more regional or local nature.

An incentive reward system will guarantee that the Food For All grantee will keep its interest high during the period of the project.

A major part of this projected effort will be the regular recording of successful and unsuccessful efforts to get food into the mouths of the poor. Those counties today not having valid food efforts despite the authorizations of the Congress and the exertions of the Executive

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*The sponsoring organizations to-date are:

The American Friends Service Committee
The League of Women Voters of the U.S.
The National Council of Negro Women
The National Federation of Settlements and Neighborhood Centers
The Southwest Council of La Raza
An Indian group and a service group are yet to be named.

5/6/70

Branch may respond more cooperatively to the efforts of the private sector. If not, we need to know the arguments and the techniques by which such counties and local jurisdictions defy the Congressional and Presidential intent.

Part of the process of persuading a local jurisdiction to feed its hungry will be the identification of those who actually are hungry or malnourished. Identifying such families without immediately feeding them seems immoral. For that reason a major portion of this project shall consist of feeding the hungry poor while they await enrollment in a local food program.

Other local non-profit organizations will be urged to participate in this effort in order that a permanent sensitivity toward the problems of hunger may be left in a local area.

The sponsors, together with the Affiliate Council, represent a broad cross-section of concerned Americans. They have in many cases initiated the hunger and malnutrition fight in this country. It is now time to turn their efforts toward the implementation of programs, designed, as the President stated, "to put an end to hunger in America itself for all time."

****

ARNOLD & PORTER

1229 NINETEENTH STREET, N.W.

WASHINGTON, D.C. 20036

TELEPHONE: (202) 223-3200
CABLE: "ARFOPO"
TELEX: 89-2733

THURMAN ARNOLD (1891-1969)
PAUL A. PORTER
MILTON V. FREEMAN
NORMAN DIAMOND
WILLIAM L. McGOVERN
CAROLYN E. AGGER
G. DUANE VIETH
REED MILLER
ABE KRASH
WILLIAM D. ROGERS
B. HOWELL HILL
JULIUS M. GREISMAN
EDGAR H. BRENNER
DENNIS G. LYONS
STUART J. LAND
ROBERT E. HERZSTEIN
JAMES R. McALEE
JOSEPH A. CALIFANO, JR.
MITCHELL ROGOVIN
WALTER J. ROCKLER
CLIFFORD L. ALEXANDER, JR.
WERNER KRONSTEIN
PAUL S. BERGER
JOHN T. RIGBY
JAMES F. FITZPATRICK
MELVIN C. GARBOW
BRUCE L. MONTGOMERY
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MELVIN SPAETH
DAVID R. KENTOFF

DAVID H. LLOYD
RICHARD S. EWING
PETER K. BLEAKLEY
ALEXANDER E. BENNETT
RICHARD J. WERTHEIMER
HARRY HUGE
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JEROME I. CHAPMAN
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JAMES A. DOBKIN
STEPHEN L. HESTER
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NANCY K. MINTZ
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ROBERT D. ROSENBAUM
MICHAEL N. SOHN
J. BRADWAY BUTLER
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ANNE W. BRANSCOMB
A. THEODORE GIATTINA
RICHARD L. HUBBARD
KENNETH A. LETZLER
DOUGLAS G. ROBINSON
STUART J. FRIEDMAN
STEPHEN M. SACKS
THOMAS J. McGREW
MARK J. SPOONER

May 13, 1971

Mr. Paul Anthony, Executive Director
Southern Regional Council
5 Forsyth Street, N. W.
Atlanta, Georgia 30303

Dear Paul:

I have your letter of April 27.

I am enclosing some public interest law firm proposals -- for the Appalachian Research and Defense Fund and the Washington Research Project.

My own feeling is that to be effective, the "public interest law firm" should begin with two full-time lawyers and a "war chest" for litigation expenses, etc. Using the SRC public interest law firm in conjunction with the existing legal resources could spread its impact over a wide geographic area as well as over a wide area of issues.

After you have had a chance to go over some of this material, please call me for I would like to discuss this in some detail. Best personal regards.

Cordially,

Harry

Harry Huge

Enclosures

unique

21(a) 1

PROJECT PROPOSAL

The Washington Research Project
of the
Southern Center for Studies in Public Policy

INTRODUCTION

The growth of public policy as a means by which society through government may meet its needs is not a new phenomena. Neither is it only recently that the large government bureaucracy, created to meet the needs of people, has failed to be responsive to those needs. Over 40 years ago, Bertrand Russell commented:

> The first thing to observe is that, in any large organization, and above all in a great state, officials and legislators are usually remote from those whom they govern, and not imaginatively acquainted with the conditions of life to which their decision will be applied. This makes them ignorant of much that they ought to know, even when they are industrious and willing to learn whatever can be taught by statistics and blue books.[1]

It is with this problem and its ramifications that the Washington Research Project (the "Washington Project") of the Southern Center for Studies in Public Policy (the "Southern Center") is concerned. This proposal outlines the Washington Project, a project established principally to develop and conduct educational techniques and activities for students and faculty of Negro colleges in the South for the purpose of conducting studies of public policies at the Federal level affecting indigent Americans.

The Washington Project seeks to fulfill this purpose through the following activities:

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[1]Bertrand Russell, Political Ideals, pp. 47-48. (New York: Barnes and Noble, Inc., 1963). (First published, 1917).

a) Involving Negro college students (for academic credit) and faculty in Federal policy planning and implementation on behalf of the poor and providing them specific programmatic outlets, e.g., a research project aimed at a specific policy of the Department of Agriculture;

b) Establishing a permanent academic program utilizing a pre-Washington seminar at Clark College in Atlanta and the students from that seminar in active research at the Washington Project under the daily supervision of a full-time faculty member assigned to the Washington Project;

c) Providing information produced by this educational research to poor communities, community leaders, and organizations regarding available Federal programs and how such programs may be utilized;

d) Involving the students and faculty in the daily activity, ideas, techniques, projects, and goals of the Washington Project Fellows, who will assist the students and faculty of the Southern Center and conduct seminars in Washington and Atlanta, and whose general involvement with the Washington Project will be as follows:

1) Day-to-day persistent policing by specialized persons of selected Federal agency programs to make them responsive to the needs of the poor and minorities;

2) Assisting poor communities and organizations within those communities prepare and process applications for worthwhile projects through the Federal bureaucracy;

3) Serving, through information and counsel, black and Mexican-American elected officials throughout the South and West.

The Project's major educational activities will include the development of a two-semester seminar program for graduate and advanced undergraduate students, with students spending the second semester as student interns with the Project in Washington. The Washington Project will support the development of undergraduate and graduate education at the schools of Atlanta University Center and other educational institutions in the South by providing educational assistance to relevant courses. The research and intern programs will provide significant publications to be used in workshops or conferences for the public and the development of new courses or instruction in existing courses at the Southern Center or the schools of the Atlanta University Center or other educational institutions in the South.

The major research activities of the Washington Project will be directed from its office in Washington, D. C., but it will utilize the resources, coordinated by the Southern Center in Atlanta, of colleges throughout the South. The Washington office is to be staffed by four or five full-time staff members who will hold the joint positions of Fellows and Instructors with the Southern Center. In addition, the Fellows will have the assistance of a full-time instructor in the Washington office.

THE SOUTHERN CENTER FOR STUDIES IN PUBLIC POLICY

The Southern Center for Studies in Public Policy is an academic institution being developed on the campus of Clark College at the Atlanta University Center in Atlanta, Georgia. The Center has been established to develop learning opportunities, utilizing and benefiting the community, for graduate and advanced undergraduate students, for faculty, and for the lay public in understanding and dealing with public policy issues and to service the public by bringing to bear upon these issues the resources developed by the Center through its educational programs.

Planning is presently underway to determine the structure of the Center and the programs it will conduct during the first year of operation. The Washington Project is the first major educational and research program to be undertaken by the Center, and partially forms the base of what will be the major programs of the Center. The Center, including the Washington Project, is being designed to incorporate into its activities seminars, lectures, workshops, conferences, internships, and individually creative basic and applied research projects.

ACADEMIC PROGRAM

General Discussion

The Southern Center for Studies in Public Policy has as its objective inquiry into public policy questions and the

preparation of students who will be versed in various aspects of public policy. In addition, of course, the Southern Center operates a Service Center for Elected Officials, primarily Negro elected officials, and does research and publishing. Within the short period of its existence, the Southern Center has already discovered that it is dealing with an area where there is a serious void of black students. The Southern Center also knows that opportunities for black students to experience firsthand the nuances of public policy are limited, particularly insofar as the administration of public programs is concerned. It has been known for some time that public policies have not been responsive to the black and white poor. A great deal of this results from the entrenched bureaucratic procedures at Federal, as well as state, levels.

For these and other reasons, the Southern Center explored possibilities regarding establishment in Washington of a program which would allow students from the six schools in the Atlanta University Center (Atlanta University, Clark, Morehouse, Morris Brown, and Spelman Colleges, and the Interdenominational Theological Center) and other Negro colleges throughout the South to enhance their understanding of Federal policies and their implementation, and consequently develop the kind of expertise that will enable them to be more effective as individuals in influencing public policy. In other words, there is a dire need for more blacks who understand various aspects of public policy and who may choose careers involving them in

public problems. In the meantime, it was felt that having students and teachers involved in questions of public policy as part of the teaching and learning experience would also generate greater effort and programs designed to effect public policy to the poor. Overriding all of these objectives is that of continuting research in public policy questions and particularly administrative impediments to full implementation of public policy. This is a vital part of the program and is essential to the academic interest and objectives of the Atlanta University Center.

The Washington Research Project has two distinct instructional components. The first involves seminars with students and faculty members in the schools within the Atlanta University Center. These seminars are designed to prepare students for local internships, as well as internships in the Washington Project office. The second component involves seminars in Washington for the students who will be serving as interns for a semester or a summer or a year. There will be an instructor in Washington who will be responsible for conducting the seminars in Washington. Faculty members at Clark and other schools in the Atlanta University Center are involved in the program of the Southern Center and the Washington Project. Research interest of faculty members in the Atlanta University Center will be utilized by the Washington Project for the purpose of developing empirical data and supportive material on the application of Federal public policy.

Program during the First Two Years

The academic program in the first two years of the project will consist of a two-semester seminar program to be conducted during the first semester at the Southern Center and during the second semester through internships at the Washington Project. Students from these seminars will be eligible for selection as interns during the second-semester seminar in Washington. The program is to get under way during the spring semester, 1969, with the seminar at the Southern Center in Atlanta. The first students to spend time in Washington will come from that seminar, and they will spend the summer in Washington.

The first-semester seminar will serve as an introduction to policy-making at the Federal level affecting the poor through investigation into the needs and demands of the poor, several types of Federal programs, the public policy issues involved in the programs, and the means by which these issues are or might be resolved. The seminar will attempt to develop an understanding of the demands of the poor, to develop some of the principles governing Federal public policy decision-making, and to develop some understanding of different types of Federal programs and administrative structures. As this seminar serves as the basis for the second-semester seminar program in Washington, the types of programs considered will depend to a great extent upon the areas of research being undertaken by the Wash-

ington Project and the areas of research in which the students would be involved as interns in Washington.

The second-semester seminar will take place in Washington through the Washington Project. Students from the first-semester seminar at the Southern Center and from similar seminars at other institutions will be selected for assignment as interns to the Washington Project office and assigned a specific research project under the Fellows at the office and under the direction of a part-time instructor hired in Washington for that purpose. In addition, the interns will be given other shorter projects as they develop in the office. The Washington Project has commitments from several members of Congress to place our student interns in a Congressional office for about one month. The Washington Project is also seeking now to place them for a comparable period of time in an administrative agency to permit comparison of the legislative and executive policy-making functions and procedures. The Washington Project will also work to improve student intern research and writing capabilities as well as their ability to analyze selected public policy needs.

The seminar will meet weekly to discuss the research projects being undertaken, the activities of the office, and other matters affecting the formulation of public policy at the Federal level. Also, exposure as far as possible to the problems of the poor and the activities of the nation's capital through

luncheons, special visits, and special seminar meetings will take place. The second-semester seminar is intended to involve the interns in the structure and events of the Washington office while maintaining through weekly meetings and other activities the academic background and relevance of the internship experience.

Both seminars will be for credit at Clark College, through Clark at the schools in the Atlanta area, and at other schools throughout the South offering similar first-semester seminars.

Field Research (The Research Assistant Program)

The Washington Project will need accurate factual analysis of specific problem situations involving Federal programs, the collection of accurate data on the utilization and impact of these programs, and special in-depth research on the socio-economic implications. In order to carry out this type of research, the Washington Project will tap the available talent at black colleges and universities and other institutions in the South and Southwest.

Specifically, the Fellows and the Director of Research will identify and define specific areas where follow-up research of a professional nature is required. In addition, an evaluation of collected information and a survey of existing literature might indicate that a specific, long-term study supplying previously unavailable information is needed. The Instructor/Coordinator of the Southern Center will then be responsible for identifying a faculty member or appropriate

student at an appropriate campus or with an appropriate organization, depending on the nature of the research required, to carry out the project designed by the Washington Project.

Those persons chosen to undertake these projects will become Research Assistants to the Washington Project as part of its Research Assistant Program. In order to carry out this program, the Instructor/Coordinator will contact the faculties of various campuses, establishing a contact person for each campus responsible for informing the Washington Project periodically of the types of persons available for research assignments of the nature of their interests. On the basis of this survey, stand-by talent will be readily available for the Washington Project research activities.

The Research Assistant Program, in addition to providing valuable data necessary for the Washington Project, will provide meaningful involvement for faculty and students on behalf of the poor and will provide a quantity of quality studies for publication by the Washington Project.

Research Assistants will be paid on a project basis. Their reports will go to Washington for evaluation and use through the Director of Research and to Atlanta for publication and dissemination.

OPERATIONAL ACTIVITIES OF THE WASHINGTON PROJECT

After three and a half years as an attorney with the NAACP Legal Defense and Education Fund, Inc., in Mississippi, with a caseload including many hundreds of demonstration cases,

thirty school desegregation suits, selective employment discrimination and welfare suits, and counselling several large antipoverty programs, it became clear to Mrs. Marian Wright Edelman that these efforts alone were, at best, token, and inadequate to meet the needs of the poor. Other efforts had to be made to rationalize, strengthen, and change Federal policy.

To litigate in thirty school districts (at best only half as many could be effectively policed) when HEW Title VI enforcement policy was weak and inconsistent in the remaining ninety Mississippi school districts, was to work around the core of the problem. Only the Federal Government has the capacity to effectuate large scale school desegregation. This is not to disdain the importance of test litigation or of private lawyers in expanding the law's perimeters and pointing the way for governmental action. But the problems of poverty, education, health, and unemployment are not simple discrimination issues, but rather issues of adequate resources and delivery of services requiring massive and coordinated Federal response.

The Field Foundation in January, 1968, provided Mrs. Edelman with a year's fellowship (now extended) to study how an effective structure for representing the poor and minorities which would try to grapple with these problems could be established in Washington with emphasis on:

a) How to make existing Federal welfare, training, job health and education programs available to the poor and minor-

ities on an open and fair basis:[1]

b) How could the poor and black be made more aware of what is available under existing programs and be helped to push projects through the red tape of a complicated Federal bureaucracy;

c) How could Federal administrative agency personnel be educated to the real needs of poor communities and shape policies responsive to their needs;

d) How could an early alert system be established about pending administrative and legislative decisions of vital importance to the poor so as to have an effective input; and

e) What kind of information and thinking about existing programs and new program approaches could be done and presented as reasonable alternative to existing programs.

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[1]We feel that if Federal grant-in-aid programs were run effectively and according to the law, vast improvement in the lot of the poor would immediately result. This costs little money and would stop wasting much money now badly spent. For example, Anthony Downs has written that:

> The "poverty gap" derived from the Social Security Administration definition of poverty could be largely eliminated in the United States with only a modest change in the distribution of incomes. That gap has been estimated at $9.83 billion in 1966. This amount is considerably smaller than the annual increase in Federal tax receipts expected to occur in the near future without any rise in tax rates, simply because of the interaction of economic growth and inflation with the progressive Federal rate structure. Hence, if only part of that "national dividend" were devoted to attacking poverty in the next few years by means of larger transfer payments, the entire "poverty gap" could be eliminated without raising tax rates.
> Downs, Who Are the Urban Poor, p. 12.

This has not and is not yet being effectively or systematically done by any group, and it is a crying need. Traditional civil rights groups rally around large legislative issues of simple discrimination, but once a law is on the books, the implementation of that law has been largely ignored. This has been unfortunate, as often the guidelines drafted for implementation of a given law are as crucial as the law itself. Moreover, strong enforcement depends on constant inquiry and pressure.

Too often only those who oppose social legislation are heard and a consistent and intelligent countervoice must be heard. We have been surprised at how often simply a phone call or a visit to a Federal official produces action. This gives that official the excuse that he has been seeking. For now, his action can be justified and defended because he became subject to "public pressure" to act. Additionally, civil rights leaders and poor constituencies often only react rather than propose thoughtful and affirmative action through careful and early suggestions and proposals. If one only reacts, his bargaining position is severely limited. We should be catalysts as well as responders in pushing for more effective Federal policies.

We have no illusions about what is required to do an effective job in this area. It is a slow, tedious, and low-key process. Carefully chosen priorities, thorough research and review of laws, guidelines and policies, and the establishment

of a network of contacts and confidences within the agencies, are essential to effectiveness. That this approach can work was reflected in work done in the last weeks of the Poor People's Campaign (the PPC) which began a dialogue with Federal agencies that the Washington Project is continuing.

The PPC came to town with no written demands or agency or legislative strategy. This office attempted to provide these functions by relying on one staff person and an outside network of friendly administrative agency people. After a series of demands and visits with agency heads (summary copies are attached as Attachment I), regular meetings were held with various second- and third-level agency personnel (which is where the day-to-day routine work occurs). These meetings attempted to formulate programs and to translate the expressed commitment of the agency to the goals of the PPC into specific agency programs.

Regular consultation and exchanges continue, and some real and constructive changes in Federal policy have resulted. We now have advisory boards of the poor for HUD and HEW health, education, and welfare programs. HEW instituted new guidelines for determination of welfare eligibility by declaration, replacing the cumbersome and degrading earlier procedures for receiving welfare, and additionally agreed to require a hearing, with counsel when requested, prior to termination of welfare benefits. We now have an obligation to train the poor on these

boards so that they can exercise their responsibilities well. The hunger issue has been gradually escalated as a result of two years' behind-the-scene efforts of many persons and the PPC, and improvements in the food programs are occurring. It has now become a national issue. Mr. Huge is working closely with local communities and the McGovern Committee on Nutrition and Human Needs in providing witnesses and field information.

The Washington Project is also working generally to:

1) refine and sharpen unmet PPC demands into specific programs directed at the responsible agency;

2) design specific projects; e.g., a hunger cooperative in Mississippi or a storefront health center in a model cities program in Cleveland, as a means whereby agency policy and commitment can be developed and a precedent established;

3) use the PPC constituency and other means to publicize the conditions which an agency has the power to correct, and then pressing that agency to meet the problems thus exposed; (Attached, as Attachment II, are copies of four articles co-authored by Harry Huge of the Washington Project and Dr. Robert Coles.)

4) learn and define the limits of an agency's power, or professed power, to act in a particular area;

5) press for a coordinated agency action--the need for HEW, OEO, Labor, Agriculture to coordinate some of their programs in order to promote a concerted policy in key poverty areas. (Greenville Air Base Project in Mississippi.)

The Washington Project is now preparing a position paper on poverty issues for the next year and is currently holding a series of meetings with Federal agency personnel on the status of current job, welfare, and education programs. We are limiting ourselves to HEW, HUD, Labor, Agriculture, and OEO. Within these agencies, programs will be assessed, and those which are possible to effect and/or are crucial to the poor will be emphasized. We feel it is important to pick out one or two achievable small issues, each year at the same time, we think, and work on larger, long-range issues.

What we feel is unique about the Washington Project is that it hopes to use its resources solely in this area and gain an expertise in Federal decision-making processes. We have a considerable poor, but organized, constituency, particularly in rural Mississippi and South Carolina to which we directly relate. And we are able to draw upon the network of black and Mexican-American elected officials and southern educational resources for two-way input in evaluating Federal programs. Additionally, we will be involved in educating black students in the processes of institutional change and, hopefully, may lead them to new career interests on behalf of the poor.

The Washington Project also will counsel and advise a study of health care to be conducted shortly by the University of California at Los Angeles (U. C. L. A.) and the University of North Carolina. The aim of the study is to examine health care

from the standpoint of the patient's problems in obtaining adequate care. The study will include such aspects of the problem as bewilderment about what constitutes good care, when and where to obtain it, and how to pay for it. Procedures to be used in connection with this health care study will be similar to those employed by the Citizens Board of Inquiry, which produced the document entitled HUNGER, U. S. A.

PERSONNEL

The Washington office presently consists of three full-time lawyers, Marian Wright Edelman, Harry Huge, and Ruby Martin. (See attached resumes.) The remaining staff includes two third-year Howard University law students, one research assistant, and two secretaries. In June we will have at least five Negro college student interns from the Southern Center and a full-time research-instructor. Several summer law students will also join us.

We need more staff personnel and are swamped with a number of applications from first-rate people--an Iowa State professor of political science and an expert in farm programs who has worked both in the Department of Agriculture and in the Congress on farm program policy; current clerks to Supreme Court Justices; legislative assistants to various Congressmen; young lawyers from leading law firms; and a ghetto public school teacher-lawyer who would service two decentralizing District of Columbia school areas which have requested our help.

Minimally, we would like to have two additional lawyer-professionals in order that we can have one lawyer assigned to policing each key administrative agency (an ambitious undertaking)--Agriculture, HEW, HUD, Labor, and OEO. These additional professionals should be imaginative and thorough people who have had prior experience either in the subject areas and/or in administrative agencies or the Congress.

May 15, 1970

Mrs. Frances Flippen
Dupont Circle Building
1346 Connecticut Avenue, N. W.
Suite 832
Washington, D. C. 20036

Dear Mrs. Flippen:

Dr. Raymond Wheeler, President of the Council, has asked that I respond to the invitation of May 11th from Miss Dorothy Height and Dr. Richard Granger.

The Council will be more than pleased to join the Affiliate Council of Food For All, Inc. Please call on us for any assistance we may be able to give in developing this program.

Sincerely,

Paul Anthony
Executive Director

PA:jb

cc: Dr. Raymond Wheeler

JUN 8 1970

Food for All

SUITE 535
1346 CONNECTICUT AVENUE, N. W
WASHINGTON, D. C. 20036

June 3, 1970

Paul Anthony
Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N.W.
Atlanta, Georgia 30303

Dear Mr. Anthony:

Thank you for your letter of May 15. Food For All is awaiting its final approval in the Office of Economic Opportunity. A large number of organizations have agreed to join in this effort.

It may be several weeks before we can start to provide you with the detailed plan of action of how Food For All and its affiliates can best contribute private services to the elimination of poverty-induced hunger and malnutrition. At that time we will be back in touch with you.

We would appreciate your giving us the name of an individual with whom to communicate in the future on this subject. We would prefer that it be a board member.

Sincerely,

Richard Granger

Richard Granger, M.D.
Chairman, Food For All, Inc.

June 10, 1970

Dr. Richard Granger
Chairman
Food For All, Inc.
Suite 535
1436 Connecticut Avenue, N. W.
Washington, D. C. 20036

Dear Dr. Granger:

While I am sure you can understand that we must do as much of the work on the staff level as possible, should you prefer dealing directly with a member of our Board, that person is Dr. Raymond Wheeler, 3724 Warrington Drive, Charlotte, N. C. Dr. Wheeler is President of the Council, and has a very personal interest in hunger and malnutrition.

Sincerely,

Paul Anthony
Executive Director

PA:jb

cc: Dr. Raymond Wheeler

APPALACHIAN RESEARCH AND DEFENSE FUND

(Formerly called
APPALACHIAN RESEARCH PROJECT)
Application For Funding

The problems of American society have multiplied at an almost exponential rate in this century. The last few years have witnessed the frustration experienced by existing institutions in trying to deal with them. The 'War on Poverty' and its offspring, the OEO legal services programs, have made bold attempts to deal with the problems of the indigent through traditional forms of legal redress. However, legal aid programs, especially in West Virginia and other Appalachian states, are few in number. Where they do exist, their efforts at reform have been severely hampered by conservative Bar Associations and government restrictions.

If they are inadequate to meet the problems of the poor, legal aid programs which are designed to serve the indigent are even further removed from the problems of the wage earner and the lower middle class consumer. The legal practicioner, with few exceptions, is committed to serving the very interests whose activities as producers, insurers, retailers, creditors, employers, union officials, and polluters are antagonistic to that class of persons technically ineligible for free legal services. This class may be called the 'legally indigent' because their marginal income and assets are too high for representation by legal aid programs, but are too low to secure competant legal counsel. It is this gap between the fact and fiction of 'equal justice for all' that we propose to fill. We propose to serve mainly the legally indigent and the consuming public by the creation of a project which will provide legal counsel, study problems, and advocate change in the 'public interest' to the exclusion of other types of legal representation.

Appalachian Research Project is to be a private, non-profit corporation organized for the following purposes:

To operate exclusively for charitable and educational purposes for relief of the poor and distressed or of the underprivileged and to defend human and civil rights secured by law.

To stimulate public concern about the deep seated socio-economic and non-partisan political problems facing both urban and rural communities of this region and present alternative solutions.

To examine, on a non-partisan basis, local, state and federal legislation and administrative procedures, and to make government responsive to its public constituency.

To mobilize all segments of the community in a common effort to conserve and re-allocate all natural resources of the Appalachian region, and to promote social justice, equal opportunity and individual human rights.

The Appalachian Research Project will initially consist of four attorneys (whose resumes, Exhibits 1, 2, 3 and 4, are attached):

Paul J. Kaufman, Director
John Boettner, Jr.
Naomi Weintraub Cohen
Ray E. Ratliff, Jr.

The staff will provide counsel for legally indigent individuals and consumer groups, study and draft legislation, prepare studies and educational materials on social, legal, economic and non-partisan political problems, sponsor and conduct conferences and seminars to involve student groups and to inform the entire community. In pursuit of these ends, the staff will initially focus on three major areas of interest: 1) Protection of the Rights of Individuals, 2) Protection of the Environment, 3) Education and Training. An analysis of these major areas of interest follows, detailing the staff's contacts both with experts in the problem areas and with affected local community groups.

1) Protection of the Rights of Individuals

A. The W. Va. Black Lung Association, composed of active, disabled and retired miners, has been engaged in a dramatic battle with the coal industry and the state to reform the mine health, safety and compensation laws. The Appalachian Research Project is lending research and legal assistance to this effort.

B. Members of the Association of Disabled Miners and Widows and other coal miners and their dependents have filed an action at law against the U.M.W.A. Welfare & Retirement Fund Trustees and others in the U. S. District Court of the District of Columbia to right serious wrongs perpetrated by the defendants. ARP staff, principally Mssrs. Kaufman and Ratliff, are serving as co-counsel in this action, together with Harry Huge of the Washington (D. C.) Research Project, and Harry Caudill of Whitesburg, Kentucky.

C. About five percent of the state's population, or about 100,000 persons, is black. The very smallness of this proportion has in many instances aggravated employment discrimination. Investigation by the Project should yield objective statistical evidence of the incidence of racial discrimination in employment. The State Human Rights Commission, which is empowered by law to investigate and remedy individual complaints of descrimination in employment and other areas, has been hampered by lack of enforcement powers. The Commission lacks the services of legal counsel necessary to enforce its orders through appropriate court action. The Project proposes to work closely with the Commission and with individual victims of employment discrimination to press their claims beyond the agency level.

D. The staff has numerous community contacts through which actual claims of employment discrimination can be uncovered. Mr. Kaufman,

who authored the State Human Rights Law, is counsel for numerous civil rights groups throughout the state. Mr. Boettner has been counsel of record (in his previous capacity as Legal Aid Attorney for The Charleston Legal Aid Society) for various suits by The Triangle Improvement Council of Charleston, W. Va., an organization representing the interests of the Charleston black community. Mrs. Cohen has close contacts with the Mercer County and Summers County N.A.A.C.P., the Mercer County Human Relations Council, and two black church groups (Mt. Zion Baptist, John Stewart Church) in Bluefield, W. Va.

E. Services of the Project staff will also be made available to any individual or organization that seeks the protection of the Federal Civil Rights Act. There is a serious shortage of competent legal counsel available for this purpose in this region.

2) Protection of the Environment

A. Subject to adequate funding, the Appalachian Research Project, in collaboration with the West Virginia University College of Law and the Graduate School of Air Pollution Control, intends to establish and conduct an Environmental Law Center at Morgantown, W. Va. The attached exhibit 5, includes a detailed proposal, letters of intent from the Dean of the College of Law and from the Director of the Graduate School of Air Pollution Control, and a proposed budget explaining this project.

B. The Kanawha Valley, running through the four west central W. Va. counties of Fayette, Kanawha, Putnam and Mason, is a major center for the electric power, chemical, coal, oil and gas industries. The massive assaults on the environment by these industries in this region seriously threaten the health and well being of some 300,000 residents. ARP will resist this onslaught by all legal means.

C. Both Mr. Kaufman (then a state senator) and Mrs. Cohen (then a community organizer) were instrumental in drafting and gaining passage in 1967 of a reasonably good strip mine law for W. Va. The ARP proposes to help affected citizens and groups such as the Citizens Task Force on Surface Mining to explain, enforce and strengthen the law.

D. Insofar as it may aid in better conservation and allocation of natural resources in the Appalachian region, the ARP proposes to review, research and publish materials on land use, planning, zoning and taxation for presentation to educational institutions and to various public bodies.

In summary, the staff of the ARP intends to attack the cluster of issues such as air pollution, water pollution and strip mining which fall within this topic. Toward this end the Project will furnish certain staff services for reputable but underfinanced consumer organizations, already in the field, such as Citizens Air Pollution Council, Congress for Appalachian Development, Public Affairs Conference of West Virginia, and Herbert Hoover Water Pollution Committee of Kanawha and Clay Counties, whose purposes and programs match those of the Project.

Staff personal have been associated with each of these organizations in various capacities. The ARP, in conjunction with several W. V. U. departments will also seek to establish an Environmental Law Center,

3) Education and Training

A. The relative scarcity of legal services programs in West Virginia (two are operating and a third is about to open, serving a total of eight of the State's 55 counties) has caused community action organizations, welfare rights organizations, and poor people's groups to seek alternative ways of meeting the legal needs of the poor. Since December, 1968, Mrs. Cohen and several attorneys from the Charleston Legal Aid Society have planned and conducted lay advocate training programs throughout the state. These training sessions have given community action workers, low income neighborhood residents and welfare recipients instruction in basic legal rights in such areas as public assistance, landlord-tenant law, debtor-creditor law, criminal law and domestic relations. These sessions have included training in the legal techniques of interviewing, investigation, negotiation and advocacy needed by lay persons if they are to serve as effective advocates for the poor.

Mrs. Cohen and Mr. Ratliff have drafted the attached proposal (exhibit 6) to set up a demonstration project which would provide intensive training in the skills of lay advocacy. The Project intends to pursue activities in this area and serve as a training and resource center for groups of lay advocates throughout the state. The staff's activities will include preparation of materials, development of techniques, conduct of actual training programs, and case work supervision.

B. The Project has been asked to undertake the training of community workers to encourage use of skills which have been partly learned in the community under earlier poverty programs.

Since there is no Public Defender Service in the entire Appalachian region, the Appalachian Research Project, as part of its program for the protection of individuals' rights, has such service under consideration. Discussions have been held with both the W.V.U. College of Law and the Kanawha County Bar Association in this regard. A beginning Public Defender Service for a tri-county region would involve expenditures of approximately $50,000 over and above the Proposed Budget, infra; which would be financed by the bar association or by local lawyers.

It should also be noted that the Lay Advocacy Program contemplates the hiring of an administrator, a secretary and travel costs aggregating approximately $17,000, not included in the Proposed Budget.

Finally, there is attached hereto as Exhibit 7, a letter from the Director of the Legal Aid Society of Charleston, evidencing the need for the Appalachian Research Project, and Legal Aid's desire to see it started.

negro - africa background

August 7, 1947

Mr. Maynard Gertler, Director of Programs
THE WORLD TODAY INC.
Film Producers
450 West 56th Street
New York 19, New York

Dear Mr. Gertler:

Mr. Guy Johnson referred me to a letter of July 21. Guy has returned to the University of North Carolina. I succeed him as Executive Director of the Council.

I made note of your address and when and if I get to New York I will try to go to see you.

I have had kicking around for some years a scheme for a movie that I wish you would run through your organization's brains. Here it is:

> White Americans are curious about and, generally speaking, well inclined toward the odd looking outlander from Siam or Kamchatka. When we see queer faces we ask about their national history, and language, religion, culture, costume, and so on.
>
> Here in our midst we have 15 million people of African descent. We Americans and particularly we Southerners know almost nothing about their African background. Indeed what things we know are misconception, for those who cherished slavery taught us that all Africa was savagery. So why not a movie to awaken and satisfy curiousity about Africa? It ought to show (with considerable use of animated charts): the geography of the continent, the various

> racial stocks, tribal migrations, a little about religion, the early kingdoms before the Arab slave raids tortured the continent, and about costumes, tribal organizations and then something about the physical and cultural disorganization involved in the transplantation under slavery.

It may not be believed, but I am satisfied that it is true that your every day white Southerner in his casual contact with Negroes has it in the back of his mind that there before him is a representative of savagery. I believe that a good movie could stimulate in quite a few people interest in the Negro's difficult but honorable history.

I have sent out some feelers on a movie like this once or twice before, but have not had any luck. Are you people a show that might take it up?

Sincerely,

George S. Mitchell
Executive Director

GSM:EE

THE WORLD TODAY INC.
FILM PRODUCERS

450 WEST 56TH STREET, NEW YORK 19, N. Y.
TELEPHONE CIRCLE 5-5067

July 21, 1947

Mr. Guy B. Johnson
Southern Regional Council
Atlanta, Ga.

Dear Mr. Johnson:

We have observed with interest and appreciation your activities in the vital field of civic education and intercultural relations. As film producers who have specialized in this area of endeavor we would feel it a privilege to work alongside you in a common program.

With the issue of permanent peace and construction ahead, it may well be that only the quickest and most effective educational means at our disposal will serve our purpose - in time to avoid new conflict.

We are anxious to discuss with you what the film medium can do to reach the millions who are the objects of destructive influences and misinformation, or to convince those in position of responsibility to initiate legislative and community action.

May we have the benefit of a meeting with you in the near future?

Sincerely,

Maynard Gertler

Maynard Gertler
Director of Programs

THE WORLD TODAY, INC.

THE WORLD TODAY, INC.

450 WEST 56TH STREET, NEW YORK 19, N. Y. Circle 5-5067

PRODUCERS OF DOCUMENTARY AND EDUCATIONAL FILMS, OFFERING ADDITIONAL SERVICES OF DISTRIBUTION AND AUDIENCE DEVELOPMENT

DOCUMENTARY: In recent years the documentary film—the film that "dramatizes truth"—has taken a forefront place among the lively arts of information. It is now recognized as a powerful instrument of exposition and persuasion.

The World Today is an organization of leading documentary film producers. It has been formed to place their combined skills at the disposal of organizations seeking by dramatic means to increase awareness of the achievement of our times.

PLANNING: The World Today is a group of visual information experts experienced in planning the use of films and graphic materials in the public service.

In collaboration with corporations, institutions, government agencies and international bodies, they have been responsible for the design and execution of large-scale visual information programs in many fields of modern endeavor: world affairs, economics, agriculture, science and technology, industry and labor, health and child welfare, social services and the arts.

PRODUCTION: In developing this integrated approach to visual information, The World Today's producers have explored and mastered new techniques of presentation, ranging from the simplest animated chalk drawings to elaborate sound-color production. In particular, they have specialized in the art of bringing to vital movie life themes often held too difficult or too commonplace for screen treatment.

DISTRIBUTION: The World Today specializes in the development of new audiences. Already, the community film auditorium ranks among the principal public forums of the twentieth century. Everyday, all across the country, groups with the widest interests meet to see and discuss films—business clubs, adult education groups, church societies, consumer organizations, women's clubs, labor groups, and many others. These groups are continually expanding centers for the formation of opinion and the stimulation of action.

Among these great and growing audiences, as among the colleges and schools, the documentary film—the film of fact and idea—is in daily increasing demand. From long contact with the special needs of such audiences, The World Today is in a unique position to arouse their active participation in the topics which its films unfold.

PARTICIPANTS

CHAIRMAN OF THE BOARD

JOHN GRIERSON, long a leader in international education, has been associated with the planning, production and distribution of more than 2000 films in Europe, Canada and the United States. Former Film Commissioner of Canada and Foreign Advisor to the Commission on the Freedom of the Press. Now Advisor on Mass Media and Public Information to the Director General of UNESCO. Introduced the word "documentary" now universally used to describe factual films of educational, scientific and cultural significance.

PRESIDENT AND CHIEF PRODUCER

STUART LEGG has been associated with documentary pictures for more than fifteen years, serving as Producer for Film Center Ltd. and The Strand Film Company of London. In 1939, became Chief Producer of Canadian government films. These included the World in Action series with a theatre audience of forty million per picture, one film winning the Special Academy Award as the best documentary for the year 1942.

EDITORIAL ADVISOR

RICHARDSON WOOD brings to the company a wealth of experience in combining the interests of business development and public enlightenment. As a pioneer in public opinion research and as former Managing Editor of FORTUNE Magazine, he contributes an expert knowledge of dramatic presentation of the problems and achievements of the modern industrial world.

DISTRIBUTION ADVISOR

ARTHUR MAYER well known New York theater operator and Director of Arthur Mayer and Joseph Burstyn, Inc. Former Film Consultant to the Secretary of War and now Public Relations Counsel to the American Theatres Association, he contributes to The World Today Inc. his wide experience of distribution and exhibition in the United States.

ASSOCIATE PRODUCER ABROAD

BASIL WRIGHT, until recently Chief Producer of the Crown Film Unit, leading documentary film organization in Great Britain. Now heads International Realist Ltd., sister company of The World Today Inc. in Europe. Holder of First Prize and Prix du Gouvernement Belge for his celebrated picture, "Song of Ceylon", he is today England's senior documentary producer.

COMMENTS

JOHN GRIERSON, CHAIRMAN

"John Grierson is one of the wisest and most forward-looking men now putting their minds to motion pictures—and that's a statement which this writer makes out of due and sufficient acquaintance with most of the light and heavy thinkers in the field . . . . He has brought to the screen an aggressive and practical creative mind which has stayed in its comprehensions about five years ahead of the game . . . most of the bigwigs who know him—and just about all of them do—have harked to this canny little Scotsman with respectfully attentive ears."

BOSLEY CROWTHER,
NEW YORK TIMES

"Few can doubt that Grierson is one of the great men of today. He will be known to a later age as an educator who has appreciated the great use to which the mass media of the press, the radio and particularly the film can be put for educational purposes."

LONDON TIMES

"One cinema critic who can also lay claim to being a first-class movie-maker is John Grierson . . . might well call himself the father of the documentary."

TIME MAGAZINE

"It must be eight or ten years since I saw an early, exciting documentary film, "Night Mail." I found this drama more enthralling than nine-tenths of the Hollywood romances. Behind it was a remarkably imaginative man, John Grierson. He and his collaborators—a remarkable group—have done one of the finest mass education jobs on the war and the future in terms of common life, undertaken on this continent."

DOROTHY THOMPSON

STUART LEGG, PRESIDENT

"Stuart Legg, crack documentary film producer and editor in John Grierson's government unit for Canada, has hit the bullseye again . . . an exciting series."

VARIETY

"This cinematic editorial is almost a blueprint of how to make an involved, dull, major aspect of World War II understandable and acceptable to moviegoers . . . the trick is to put the ingredients together to make a picture like 'Food'."

NEW YORK TIMES

"Belongs to that World in Action series which began so auspiciously with Churchill's Island and it sustains the high, exciting standard the first film established." THE NEW YORKER

"They bring a new punch to the screen."

TIME MAGAZINE

"Should be seen by everyone."

WASHINGTON NEWS

"Mark 'em down as a must on your movie list!"

CLEVELAND PRESS

"Completely absorbing!"

SHOWMEN'S TRADE REVIEW

"One of the finest things of its kind ever turned out!"

FILM DAILY

"Excellent. Well deserves the Oscar it won."

THE EXHIBITOR

"Nothing short of superb!"

WASHINGTON STAR

PAST PERFORMANCE

The members of The World Today Inc. have been responsible for a distinguished list of documentary productions. Their past record includes the following outstanding and memorable films:

CABLE SHIP
CARGO FROM JAMAICA
CHERCHEURS DE LA MER
CHILDREN AT SCHOOL
COAL FACE
DRIFTERS
ENOUGH TO EAT?
FOOD—WEAPON OF CONQUEST
GLOBAL AIR ROUTES
HOUSING PROBLEMS
IN THE WAKE OF THE ARMIES
LABOR FRONT
LE VENT QUI CHANTE
MONKEY INTO MAN
NIGHT MAIL
NOW THE PEACE
O'ER HILL AND DALE
SONG OF CEYLON
THE SMOKE MENACE
TOMORROW'S WORLD
WE LIVE IN TWO WORLDS
WHEN ASIA SPEAKS

At the present time the staff has work in progress for such organizations as The United Nations, U.N.R.R.A., The Twentieth Century Fund, the United States Navy and the Motion Picture Association of America.

PRESENT FACILITIES

NEW YORK: World Today's production headquarters are located at 450 West 56th Street, in the heart of New York's film industry.

WASHINGTON: The company maintains a production and distribution representative in touch with agencies of the Federal Government and with national associations headquartered in the capital.

OVERSEAS: Through International Realist Ltd., World Today commands crews and facilities for production work in the United Kingdom and Continental Europe. Available also to the company are the services of production crews in Canada, Central America, Australia, China, India and the Middle East.

DISTRIBUTION: The World Today provides a special service of Distribution Planning to assist sponsors to gain the widest and most effective circulation for completed pictures.

THE WORLD TODAY INC.
FILM PRODUCERS

450 WEST 56TH STREET, NEW YORK 19, N. Y.
TELEPHONE CIRCLE 5-5067

August 27, 1947

Mr. George S. Mitchell
906 Lullwater Road
Atlanta, N.E.,Georgia

Dear George:

Your recent letter pertaining to the subject for a film on negro backgrounds was most interesting and welcome indeed.

As you may know, one of the fields which we have been giving a great deal of attention to is that of intercultural relations. We have been interviewing and corresponding with scores of leading organizations the country over who we believe may contribute to a comprehensive intercultural film program by expressing to us their needs in the way of films on topics with which they are concerned and by helping to support such a program financially when a nation-wide survey of needs has been completed. In a recent interview with Dr. W.A.B.DuBois of the N.A.A.C.P. I introduced the general project. I also left with him your proposal as an example of a concrete film subject which they might be interested in backing. Dr. DuBois promised his full cooperation in bringing this to the attention of his group and I hope that they will take some action with regard to a film or a series of films on negro backgrounds.

We are hoping very much that one or several organizations will contribute one or two thousand dollars to help us complete this intensive nation-wide survey, so that we may proceed with production on a well informed basis. You can help our project very much by continuing to send us short outlines of topics which you would like to see produced and distributed in the intercultural field. Also if you have any ideas about where we could pick up a thousand dollars or so to conduct our survey we would be glad to hear about it. In the meantime we are determined to go ahead with the program.

Yours very truly,

Maynard Gertler
Maynard Gertler
Secretary Treasurer

See letter to:
Miss Mary Brady
Harmon Foundation
140 Nassau St.
NYC

Green Carbon

September 4, '47

Miss Mary Brady
The Harmon Foundation
140 Nassau Street
New York City

My dear Miss Brady,

For a year or so I have been giving an occasional poke to an idea about a movie on the African background of the American Negro. Recently I mentioned the scheme to WORLD TODAY, INC, at 450 West 56th Street, N.Y. 19. They wrote back that something like it might have some sense, but where could they get some money to explore around and see what there was to that and some related ideas they already had.

Yesterday my friend Kendall Weisiger, of Atlanta, told me to write you, and tell you my scheme, which he thought might interest you.

The notion is to take advantage of the natural curiosity we all feel about peoples from outlying places, having the "queer" countenances that originate in Papua or Formosa or Patagonia. We pump such people, when we encounter them, for tales about their language and dress and culture and art and manners, and the more we hear about them, the more we probably like them. Yet here we white people emerge from our front doors and confront in a day down-town a thousand countenances quite different from our own, possessed by people whose forefathers came here from Africa. And we aren't curious, and we ask no questions about Africa, and we don't feel a stir of friendliness. Of course I know that African culture has only the faintest traces left over here, but much that is potentially of the greatest interest transpired in Africa, to and about the Africans whom we see every day.

Couldn't there be a movie - and a longish one that would find a place in regular-run theatres - detailing the African background? Tribal migrations, main language groups, main groupings of physiognomy, culture, history, habits. Plus some of the geography that explains so much about the continent and its people. It could use a lot of footage from older travel films, and would need much animated stuff, with moving arrows to show migrations, and points of geography. I believe some such movie would do a good deal to still

the false notion -told us as an excuse for slavery - that all was savagery. And it would give white Americans something to tie back to when they see someone dark with a long head, or a peaked head, or some other distinguishing feature, recognizable as usual in some particular part of Africa. There is also, I believe, much curiosity among Negroes as to what Africa was like, and that could usefully be satisfied.

I am not asking you to finance us in making a film - we couldn't. But I would like to drop the idea into your in-box, and hope that it will get pinned to something else that's similar, and eventually find some usefulness.

The Southern Educational Film Service, at Athens Ga, is mildly curious as to whether the schemhas any value

I send a copy of this to World Today, as reply to their kind letter to me.

Sincerely,

George S. Mitchell
Executive Director

Africa

THE INTERNATIONAL CLUB

XXXXXXXXXXXXXX 4, Kort Street,
JOHANNESBURG.

The Southern Regional Council,
63, Auburn Avenue N.E.
ATLANTA 3. Georgia.

28/12/49.

Dear Sirs,

This is an appeal for financial assistance to the Johannesburg International Club. Towards the end of 1948 the Institute of Race Relations took the initiative, found the premises and secured the guarantee of one year's rent from the Bantu Welfare Trust. The Institute's Field Officer, Rev. Basil Holt, seconded to the Institute by the Church of the Disciples of Christ, U.S.A., was given the job of starting the Club and Mr. Darrell Randall, seconded to the Institute for six months by the American Methodist Church, became Honorary Secretary. Through the latter the Club was given a good start and became independent of the Institute which however retains a paternal interest in it.

The object behind the foundation of the Club was to provide a place where persons of all races in South Africa could find a common meeting place where they could learn mutual understanding and tolerance. South Africa is, as you know, a land of racial division and the need for a common meeting place is very great.

The Club provides facilities for teas and lunches, for table tennis and physical training, for concerts, plays and meetings. It also has a library and now a junior section which helps to take Non-European children off the streets. A constitution and sample programmes (printed Free) are enclosed.

The difficulties of financing the Club are great. Much of the conversion of the Club from a warehouse was done by members, and most of the equipment, which is still very inadequate, was obtained in gifts. The membership fees - about £600 p.a. - cannot, even with the very slight profit obtained by the catering, finance current expenditure at present. A statement of income and expenditure is enclosed.

The membership is growing slowly and we hope that in about 3 years to have a membership (all races) of 1200 - 1500, whose fees with the proceeds of various activities and other help will enable the Club to finance itself. In the meantime, the Club lacks the facilities which will quickly bring the membership needed and we will be very grateful if your Council will be good enough to grant it an annual sum for 3 years to help see it through a very difficult initial stage. Human relations are deteriorating so rapidly in this multi-racial society that we feel that every

/effort

effort must be made to stem the tide of racial antagonisms and hatred. Our Club will do much to help particularly as it is established in one of the storm centres of the Union.

Please help. It is a good cause and more than ever necessary.

Yours sincerely,

+ Ambrose Johannesburg ..... Bishop of Johannesburg.

J.B. Webb ..... President, Methodist Conference of S.A.

J.D. Rheinallt Jones ..... Formerly Director the S.A. Institute of Race Relations

Ray E. Phillips ..... American Board Mission: Club Trustee

Dean Palmer ..... Dean, Johannesburg Cathedral Club Trustee

Quintin Whyte. ..... Director of S.A. Institute of Race Relations.

J.I.C. 5/49.
T.F.10.2.49.

THE JOHANNESBURG INTERNATIONAL CLUB.

CONSTITUTION

(Adopted by the Foundation Members Meeting, February 1st, 1949)

1. Name.

The name of the club is the "JOHANNESBURG INTERNATIONAL CLUB", and is hereinafter to be referred to as the "Club."

2. Objects.

The objects for which the Club is formed are:-

(a) To enable people of goodwill of all nationalities, creeds and races to meet one another; to undertake commom cultural activities; to have an opportunity of studying and appreciating each other's several difficulties and to take such steps as may be desirable and practicable to promote racial understanding and harmony, except in so far as certain activities are prohibited in Article 15.

(b) The Club is non-political and shall not be affiliated to any political or religious organisation, group or party. This shall not be a bar to any invitation from the Executive Committee to any person to give an address to the club.

3. Membership.

(a) Membership shall be open under conditions set out below to all men and women of goodwill of the age of eighteen and over.

(b) Foundation Members are those who indicated their intention of becoming members of the Club before the date of February 1st, 1949, and who have duly paid their membership subscription, and whose membership has been confirmed by the Executive Committee.

(c) Ordinary Members (after February 1st, 1949) must be duly proposed and seconded by existing members in writing, and shall be elected by the Executive Committee by at least a two-thirds majority of those present and voting at a duly constituted Executive Committee meeting.

(d) Life Members are those persons who have contributed the sum of £50:0:0 (Fifty pounds) and upwards to the funds of the Club. Life members must be confirmed by the Executive Committee according to the method set forth above for ordinary members.

(e) Members under clauses (b) and (d) shall have no rights over and above those enjoyed by ordinary members in the use of the Club.

(f) The Executive--

(f) The Executive Committee shall have the right to expel or suspend any member if, in the opinion of a majority of two-thirds of those present and voting at a duly constituted meeting, such member contravened the constitution, rules or regulations; or that his or her conduct is found to be detrimental to the interests and comfort of the club, provided that the Executive Committee may re-admit any such person after being duly satisfied that the individual's future conduct will be in accordance with the constitution, rules and interests of the Club. (See also Article 7, clause "d").

(g) Notice that the expulsion or suspension of a member is being considered, shall be on the agenda of a meeting of the Executive Committee and must be circulated to members of the Executive Committee at least 7 (seven) days before the date of the meeting.

4. Annual Subscription.

(a) The minimum ordinary annual subscription shall be one guinea (£1:1:0). Persons willing to pay more than one guinea annually, shall be encouraged to do so.

(b) Students who are unable to afford more may subscribe 10/6d. at the discretion of the Committee.

(c) Payment of subscription in instalments may be made by special arrangement agreed to by the Executive Committee.

5. Visitors and Honorary Members.

The Executive Committee shall make regulations with regard to the introduction of Honorary Members, Temporary Members, and visitors to the Club.

6. Reciprocity.

The Executive Committee shall be empowered to enter into reciprocal agreements with other similar clubs upon such terms as the committee may deem fit.

7. Membership Meetings.

(a) ANNUAL GENERAL MEETING: All members of the Club shall be called together for the Annual General Meeting to be held not later than April 1st in each year, at a time and place to be fixed by the Executive Committee for the purpose of electing the officers and representative members of the Executive Committee for the ensuing year; to receive the report and financial statement on the work of the preceding year; and to consider any business which needs to be brought to the attention of the general membership at that time. Notice of the date of the Annual General Meeting shall be mailed to the members at least three weeks beforehand.

(b) SPECIAL GENERAL MEETING: The Honorary Secretary shall convene a special general meeting at any time on 7 (seven) days notice if instructed by the Executive Committee, or by petition of 25 (twenty-five) or more members of the Club.

(c) QUORUM: The Quorum at an annual General Meeting or a special General Meeting shall be 15% of the paid-up membership of the Club. Should there be no

/quorum -

quorum present at such meeting within half an hour after the time set for the meeting, the meeting shall be postponed at least one week and not more than two weeks; should there be no quorum present at such postponed meeting, the business may be transacted by those present, and any decisions taken by a majority of those present shall be deemed to be decisions taken at a properly constituted meeting and shall be binding on the Club. Notice of such a postponed meeting shall be circulated to members on the day following the first meeting at which a quorum was not present.

(d) A properly constituted Special General Meeting or the Annual General Meeting has the power by simple majority, to over-rule any decision or rule made by the Executive Committee, provided that at least 21 (twenty-one) days notice has been given to the membership concerning the proposal.

8. <u>The Executive Committee.</u>

(a) The Executive Committee shall include the following:-

The Chairman

3 (three) Vice-Chairmen

9 (nine) Representative Members, one of whom can be elected as acting-Chairman in the absence of the elected Chairman and Vice-Chairmen.

All the above shall be elected at the Annual General Meeting, as provided for in clauses (b) and (c) below.

An Honorary Secretary and Honorary Treasurer shall be elected by the new Executive Committee, and if not included in the elected members, they shall become ex-officio members of the Executive Committee with the right to vote.

(b) Nominations for Chairman, the three Vice-Chairmen and the nine Representative Members shall be duly proposed and seconded by fully paid members of the Club. Nominations which reach the Secretary 14 (fourteen) days before the date of the Annual General Meeting, shall be circulated to members 7 (seven) days before the date of the meeting. Other nominations of members who are present at the Annual General Meeting may be made from the floor. All members of the out-going Executive Committee shall retire and may be nominated for re-election.

(c) Election of the Chairman shall be by majority vote. The procedure for the election of the three Vice-Chairmen shall be as follows: Members may vote for three candidates only on the list of nominations, and the three candidates securing the highest number of votes will be declared duly elected as Vice-Chairmen. After the above elections are announced, the nine representative members shall be elected by each voter listing the candidates nominated in the order of his or her choice, and the results determined by the Hare system of proportional representation.

(d) Only those members who have paid their subscription

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for the ensuing year or have paid at least one quarter as an instalment arranged in accordance with Article 4, clause (c) shall be eligible to vote. There shall be no voting by proxy and no member may authorise another to vote on his behalf.

(e) No paid employee of the Club shall be a member of the Executive Committee. When the Club employs a General Secretary, he will be a non-voting member of the Executive Committee.

9. Honorary President and Patrons.

(a) An Honorary President may be elected at the Annual General Meeting.

(b) Patrons and other honorary officers may be elected by the Executive Committee.

10. Vacancies on the Executive Committee.

(a) Vacancies occurring on the Executive Committee between one Annual General Meeting and the next, shall be filled by the Executive Committee and reported to the next Members business meeting.

(b) Any member of the Committee who is absent from three consecutive meetings of the Executive without satisfying the Executive Committee that he had good and reasonable cause shall be deemed to have vacated his seat.

(c) Any member of the committee shall cease to act as such as soon as he ceases to be a member of the Club.

11. Duties of the Executive Committee.

The Committee shall carry out the provisions of this constitution; make the rules for running the club; appoint an Honorary Secretary, Honorary Treasurer, and other honorary officials, and salaried staff, and define their duties. It shall fix meeting procedures, including its own quorum; appoint sub-committees with a member of the Executive Committee as chairman, and have the power of co-option. The Committee may debar any person from attendance at the Club, such person or any person against whom any action is taken by the Committee may appeal to the general membership under Article 7, clauses (b) and (d). It shall be part of the responsibilities of the Executive Committee to see that an active membership is maintained, keeping a reasonable balance in membership among the racial and national groups, keep a record of names, addresses and subscriptions of all members, and do all in its power to promote the welfare of the Club.

12. Trustees.

All the property of the Club shall be vested in the Trustees representing and acting for the whole of the Club membership. No personal liability shall attach to any Trustee except to the extent of such funds of the Club as may be actually received by him. The number of Trustees shall not exceed six nor shall be less than four. The Trustees shall be appointed by the Executive Committee from nominations put forward in writing by members of the Club. The Trustees shall not be office-bearers nor members of the Executive Committee. The Trustees shall remain in

/office -

office until death or resignation, or until a general Meeting shall think it proper to remove all or any of them. The Trustees shall have the power to make such investments of the funds of the Club as they shall deem advantageous to the interest of the Club.

13. Bank Account and Financial Year.

(a) The Club shall have a bank account which shall be operated by any two of four signatories authorised by the Executive Committee.

(b) All Club income shall be paid into the bank account.

(c) All disbursements shall be by cheque after approval by the Executive Committee, or in case of emergency by two of the four signatories authorised by the Executive Committee.

(d) The financial year of the Club shall end on a date to be determined by the Executive Committee.

14. Audit.

The accounts of the Club shall be audited annually by auditors appointed by the Annual General Meeting of the Club.

15. General.

(a) The Club shall not supply alcoholic liquor to its members nor shall any alcoholic liquor be introduced privately into the Club.

(b) No games of dice or any other games of chance shall be played on the Club premises. The decision of the Executive Committee as to what constitutes a game of chance shall be final.

(c) No dancing shall be permitted at any time on the premises of the Club.

(d) Neither the name of the Club nor its address shall be used as an address on any circular, report, correspondence or document of a business character or for propaganda of any kind, or on any prospectus of a public company, or in any communication to the Press (except official communications on behalf of the Club); nor shall the Club be used by any member as a standing address for business purposes. This rule shall not apply to the official correspondence of the Club nor shall it debar a member or visitor using the Club as a temporary address for personal correspondence.

(e) The Club may be sued and sue in the name of its Chairman, Honorary Secretary and Honorary Treasurer.

16. Amendment of the Constitution.

(a) The constitution shall be amended only by a special resolution passed by a two-thirds majority of those present and voting at a duly constituted Annual General Meeting or a Special General Meeting. At least 21 (twenty-one) days clear notice of the proposed amendment shall be circulated to the members.

/(b)If any 2 -

(b) If any doubt or dispute arises as to the interpretation of the constitution, the decision of the Executive Committee shall be accepted.

17. Dissolution.

(a) The Club may be wound up only on decision of two-thirds of the paid up membership present and voting at a Special General Meeting convened for that purpose on 21 (twenty-one) days notice. Such meeting shall instruct the Trustees to dispose of the assets of the Club in a manner agreed upon by the Special General Meeting, provided that any assets over and above the liabilities shall be donated to a club, organisation or institution having aims and objects similar to or not in conflict with those of the Club.

(b) Upon dissolution of the Club, no member shall be liable for any debts of the Club exceeding the amount of 1/- (one shilling) per member.

(c) On such dissolution the Trustees shall be divested of all or any assets of the Club.

JOHANNESBURG INTERNATIONAL CLUB.

Statement of Monthly Income & Expenditure.

Income		Expenditure	
Subscriptions	£50. 0. 0.	Rent	£55. 0. 0.
Donations	£20. 0. 0.	Secretary's salary	£35. 0. 0.
Catering profits	£10. 0. 0.	Staff wages	£26. 0. 0.
		Petty Cash	£15. 0. 0.
		Miscellaneous	£15. 0. 0.
To Balance	£66. 0. 0.		
	£146. 0. 0.		£146. 0.0.

Johannesburg
International Club

Programme of Events for the Month of February, 1950

4, Kort Street,
Johannesburg. Telephone: 33—2890.

ACTIVITIES FOR T

MONDAY	TUESDAY	WEDNESDAY 1st 8 p.m.
		49 Years of Politics in S. Africa D. C. Thompson
MONDAY 6th Open	**TUESDAY 7th 8 p.m.** Executive Committee Meeting.	**WEDNESDAY 8th 8 p.m.** Special Games Evening Muriel Seymour
MONDAY 13th 8 p.m. 49 Years of Science Dr. Bleksley.	**TUESDAY 14th** Open	**WEDNESDAY 15th 8 p.m .** Interracial Discussion Group Rural Problems —A Social Project?
MONDAY 20th 8 p.m. 49 Years of Social Life Rev. A. W. Blaxall.	**TUESDAY 21st** Open	**WEDNESDAY 22nd 8 p.m.** "The First Forty nine" Drama Section
MONDAY 27th 8 p.m. 49 Years of Bantu Sport Dan Twala.	**TUESDAY 28th** Open	**SUNDAY 5th 8 p.m.** 49 Years of Films United Artists

See Explanatory Not

HE MONTH OF FEBRUARY, 1950.

THURSDAY 2nd Open	**FRIDAY 3rd 8 p.m.** 49 Years of Reading Errol Wilmot	**SATURDAY 11th 8 p.m.** Club Games and Social Evening "Jam for Money."
THURSDAY 9th Open	**FRIDAY 10th 8 p.m.** International Forum Presents Famous Forty Niners	**SATURDAY 11th 8 p.m.** Club Games and Social Evening "Table Tennis Tournament."
THURSDAY 16th Open	**FRIDAY 17th 8 p.m.** Bridge Drive Bring Your Own "Bridge"	**SATURDAY 18th 8 p.m.** Closed 6 p.m.
THURSDAY 23rd Open	**FRIDAY 24th 8 p.m.** "Banquet."	**SATURDAY 25th 8 p.m.** Club Games and Social Evening "Musical Appreciation"
SUNDAY 12th 8 p.m. Chess Night	**SUNDAY 19th 8 p.m.** Chess Night	**SUNDAY 26th 8 p.m.** Chess Night

es on Back of Programme.

NOTES AND COMMENTS

A. OPEN NIGHT.

You will note that certain nights are marked "open" and that is usually on a Tuesday and a Thursday night. This does not mean that the club is closed on those nights. For those who have forgotten Club hours are as follows : Mondays to Friday: 10 a.m. to 10 p.m., Saturdays 10 a.m. to 6 p.m. (except when functions are held on Saturday nights), Sundays 3 p.m.—10 p.m. Quite a number of members only visit the club on those nights when activity is advertised. Don't "visit" the club—treat is as your own and drop in whenever you can. There are always a number of people even on open nights and a great deal of discussion, etc. takes place on these occasions.

B. GENERAL MEETING.

Our first Annual General Meeting is scheduled to take place on Wednesday, March 15th at 8 p.m. Be sure to turn up—at the Gandhi Hall. If you have any ideas about amendments to the constitution, nominations to the committee or any suggestions of any nature concerning the club please send them in early. In terms of the constitution three weeks notice of such meeting must be given and a separate notice will be sent out to members. This is long notice—don't book yourself up for that night.

C. SUBSCRIPTIONS.

Annual subscriptions will shortly fall due—don't wait for the reminder—send that guinea and more immediately and help the club by cutting down on the administrative work.

D. BANQUET.

We have had a terrific response to the Banquet—book your seats early or you'll be out in the cold. For the convenience of those who have not yet booked we have decided to extend the closing date to Tuesday the 14th February.

E. PROGRAMME.

Although attendance has been pretty good at most times there are occasions when very few people turn up. There are probably hundreds of reasons why people stay away—why not tell us why **you** aren't coming—why not send in your suggestions, criticisms, ideas. We need the ideas our members have—don't keep them to yourself.

F. SATURDAY.

We have started an experiment—keeping the Club open on Saturday nights. Nothing specific is organised for these nights in the sense that anybody is invited to speak or otherwise perform but there is usually some sort of fun and games going on. This series is organised by the Dramatic section for the purpose of raising funds for the Club—come along and enjoy yourself and swell the funds of the Club. Although it is mostly the younger people who turn up, there is plenty of amusement for the oldsters.

Printed by the Bantu Press.

FROM THE DESK OF

Alex Miller

TO Dr. George Mitchell

3/22/00

Attached will interest you —

Alex

Africa

THE S.A. INSTITUTE OF RACE RELATIONS

(INCORPORATED)

PRESIDENT: MRS. A. W. HOERNLE, L.L.D. VICE-PRESIDENTS: PROF. D. D. T. JABAVU, B.A., MR. D. B. MOLTENO, B.A.
DIRECTOR: QUINTIN WHYTE, M.A. (HONS.)

RMN/JS.

TELEPHONES 44-4368/9
POST OFFICE BOX 97
TELEGRAMS: "UBUNTU"

19, STIEMENS STREET
BRAAMFONTEIN
JOHANNESBURG

27th January, 1950.

at n pamphlets sent
Bee

Mr.Alex Miller,
Regional Director,
Anti-Defamation League,
11 Pryor Street S.W.,Suite 305,
ATLANTA.Ga.

SOME OF THE WORK DONE SINCE 1929

- Legal Aid Bureaux for the poor
- Literacy classes for adult Non-Europeans
- Joint Councils for Europeans and Non-Europeans
- Cost-of-living enquiries among Non-Europeans
- Industrial relations enquiries for employers
- Ten-year Plan for Native Education adopted by British Government
- Helped to secure training in South Africa for Non-Europeans as doctors
- First National Nutrition Conference, 1939, leading to State Nutrition Council
- First National Penal Reform Conference, 1945
- 400,000 word Handbook on Race Relations in South Africa
- Regular memoranda & pamphlets bearing on race problems

Dear Sir,

South Africa and its policy towards Non-Europeans has been much in the news over the past year and more. Wide publicity has been given to our racial problems through U.N. and a very considerable interest in South Africa has been in evidence. Your name has been given to this Institute as one who is likely to be interested in, and might wish to support, the work it is doing, and I do hope that when you have read the enclosed pamphlets you will feel that you wish to become a member.

This Institute, which has been in existence for about 20 years, was originally set up with the aim of harmonizing apparently conflicting racial interests. Its policy has been to examine the facts of any particular situation and, paying respect to views sincerely held, to advocate a practical solution. It has built up over the years a wide knowledge of and experience in our racial difficulties and now is regarded not only in the Union but overseas in Britain and America as an authoritative, objectively-thinking organisation. Many eyes are turned to Africa which over the next 50 years will assume greater and greater international importance.

The Institute's publications, written by authorities in the many fields covered by "race relations" are up-to-date, factual and accurate. They will keep you informed of events in Southern Africa.

You may become an Ordinary member for a minimum yearly subscription of £1.1.- (many members, of course, give more(. This entitles you to receive our "Race Relations News" (monthly), "Race Relations" (quarterly journal), the Annual Report (which is in effect a summary of race relations for the year) and, on request, Library and Press Bulletins and Leader Digest. For an additional 10/- a year you may receive other pamphlets of the Institute, as

produced/..

produced, up to that value.

Donor members, subscribing £10.10.- or more yearly receive all pamphlets and publications without additional payment, and I shall be so glad to enrol you in this category.

The need for an organisation such as the Institute is even greater today than ever before and we do most urgently need your support.

May we hope to hear from you shortly?

Yours faithfully,

Ruth M. Neale

Ruth M.Neale (Miss).
FINANCIAL ORGANISER.

Encl:

R.R. 171/48.
EMH. 24/8/49.

THE SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (INC.)

PUBLICATIONS PRICE-LIST.

Handbook on Race Relations in South Africa. 400,000 word survey. Edited by Dr. Ellen Hellmann. (Oxford University Press)	.....	42. -. (1/2)

Hoernle Memorial Lectures:

Bound edition, Hoernle Memorial Lectures, 1945-1946-1947	.....	6. -. (2d.)
1945 - Christian Principles and Race Problems	The Rt. Hon. J.H.Hofmeyr	1. -. (1d.)
1946 - Race Attitudes and Education	Professor E.G. Malherbe	1. -. (1d.)
1949 - Africa Beyond the Union	Professor W. MacMillan...	2. 6. (1d.)

New Africa Pamphlets:

The Health of the Nation (2nd Edition) (A summary of the Report of the National Health Services Commission)	.....	- 6. (1d.)
The People's Food	Dr. Neil Macvicar	- 6. (1d.)
Health in Our Time	Dr. F.R. Luke	- 6. (1d.)
The Cape Malays	Dr. I.D. du Plessis	- 6. (1d.)
South Africa Faces U.N.O.	J.D. Rheinallt Jones, Maurice Webb and Dr. E.H. Brookes	- 6. (1d.)
Western Civilization and the Bantu	Dr. Neil Macvicar	- 6. (1d.)
Democracy in Multi-Racial Societies	L.M. Thompson	1. -. (1d.)
Trade Unionism in African Colonies	R.E. Luyt	1. -. (1d.)

Donaldson Blueprint Series.

A Digest of the Fagan Report ..... and Digest of Broome Commission Report .	Prepared by Helen Suzman) Prepared by Maurice Webb)	1. -. (1d.)
Our Native Reserves (A Digest of Report No. 9 of the Social and Economic Planning Council on "The Native Reserves and their Place in the Economy of South Africa)	Prepared by the Department of Economics, University of Natal	1. -. (1d.)

Reprints from "Race Relations".

Vanishing Lands and Migrant Labour	Maurice Webb	- 3. (½d.)
Our Indian People (A Plea for a thorough study of the Social and Economic life of South African Indians)	.....	- 3. (½d.)
The Indian - Citizen or Subject?	M. Webb and V.S. Naidoo ..	- 6. (½d.)
Indian Imbroglio	Various	1. -. (1d.)

Afrikaans Publications.

Westerse Beskawing en die Bantoe	Dr. Neil Macvicar	- 6. (1d.)
'n Samevatting van die Fagan Verslag	Helen Suzman	1. -. (1d.)

-p.t.o.

Pim Pamphlets:

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Education Through Reading	Dr. Edward Roux	- 1. (½d.)
Food	Dr. Neil Macvicar	- 1. (½d.)
Doctor or Witch-Doctor?	Dr. G.W. Gale	- 1. (½d.)

Miscellaneous.

The Bantu in South African Life	Dr. E.H. Brookes	1. -. (1d.)
The Colour Bar in the Copper Belt	Julius Lewin	- 6. (½d.)
Who Pays for Bantu Progress? (1941)	The Rt. Rev. Bishop Clayton	- 3. (½d.)
The Future of South West Africa	J.D. Rheinallt Jones	2. -. (1d.)
Illicit Liquor Report (1935)		2. -. (2d.)
Social Security and the Coloured People	Professor Edward Batson	1. -. (½d.)
In the Press:		
To Guide Those in Towns	Dr. L. Hertslet	1. -. (1d.)

Non-Institute Publications:

The Native in South Africa	L. Marquard	6. -. (2d.)
The S.A. Melting Pot (A vindication of Missionary Policy, 1799-1836)	D.K. Clinton	3. 6. (3d.)
Union Native Policy (May.1934)	Rt. Hon. Sir J.Rose Innes	- 3. (½d.)
The Representation of Natives Bill (Oct.1934)	Rt. Hon. J.C. Smuts	- 1. (½d.)
Ability to Pay (Reprinted from the Bus Services Commission Report, 1944)		1. -. (1d.)
David Livingstone (Little Books for Africa)		- 6. (½d.)
S. A. Native Policy and the Liberal Spirit	Professor R.F.A. Hoernle	8. 6. (4d.)
Race and Reason	Professor R.F.A. Hoernle	8. 6. (4d.)
Community and Crime (Report of National Conference, Penal Reform League, March 1948)		2. -. (1d.)

Published by the Rhodes-Livingstone Institute.

Rociyard - A Sociological Survey of an Urban Native Slum Yard	Dr. Ellen Hellmann	7. 6. (3d.)
Studies in African Land Usage in N.Rhodesia	William Allan, O.B.E.	7. 6. (2d.)
Land Holding and Land Usage among the Plateau Tonga of Mazabuka District	A Reconnaissance Survey, 1945	8. 6. (3d.)
The Land Rights of Individuals among the Nyakyusa	Godfrey Wilson (1938)	2. -. (1d.)
Malinowski's Sociological Theories	Max Gluckman	3. -. (1d.)
The Material Culture of the Lunda-Lovale	C.M. White	1. 6. (½d.)
The Material Culture of Fort Jameson Ngoni	J.A. Barnes	1. 6. (½d.)
African Dances of Northern Rhodesia	W.V. Brelsford	1. -. (½d.)

N.B. The amounts shown in brackets indicate the cost of postage.

To obtain those write to:. S.A. Institute of Race Relations, P.O.Box 97, Johannesburg.

Or call at the Secretarial Office, Room 32, 4th Floor, Lombardy Building, 50 Kerk Street, Johannesburg.

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS

WHAT IT IS : WHAT IT DOES

- The INSTITUTE was founded in 1929 as a non-party-political organisation to promote racial harmony between all sections of South Africa's multi-racial society.

- Its membership to-day is more than 3,000 and is drawn from all parts of Southern Africa as well as America and England. The nine leading Municipalities in the Union are affiliated to it, as are missions, churches, Universities, and national organisations such as the Federated Chamber of Industries.

- Through its regular monthly and quarterly publications, and pamphlets in the New Africa and Donaldson Blueprint Series it presents up-to-date documented information, news and views bearing on the complex racial situation.

- In the social welfare and educational fields it initiated such movements as Legal Aid Bureaux for the Poor, Literacy classes for adult non-Europeans, Joint Councils for Europeans and Non-Europeans, cost-of-living inquiries, Penal Reform, Ten-year plan for Native Education, etc., etc.

- It has inaugurated conferences and meetings on race relations, nutrition, industrial relations and prepared detailed memoranda for submission to State Commissions whenever questions affecting black-white relations are involved.

- ITS Information Bureau and Reference Library are at the service of research workers, students, speakers, writers, social workers, etc.

- **THE INSTITUTE IS DOING A UNIQUE AND ESSENTIAL JOB IN EDUCATING PUBLIC OPINION INTO THE ACCEPTANCE OF PROGRESSIVE REFORMS YOU CAN PLAY YOUR PART IN THIS NATIONAL WORK BY BECOMING A MEMBER.**

(details overleaf).

Join the
S.A. INSTITUTE OF RACE RELATIONS

in its efforts to ensure Racial Harmony, Understanding and Progress

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Press Bulletin (monthly) on request

Leader Digest (monthly) on request

Library Bulletin (monthly) on request

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The S.A. Institute of Race Relations P.O. Box 97, Johannesburg.

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Please accept my cheque for £ : : in payment of **Donor Life/ Donor/Ordinary* Membership of the S.A. Institute of Race Relations.

Signed .....

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ADDRESS (Block letters) .....

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**Delete whichever is inapplicable*

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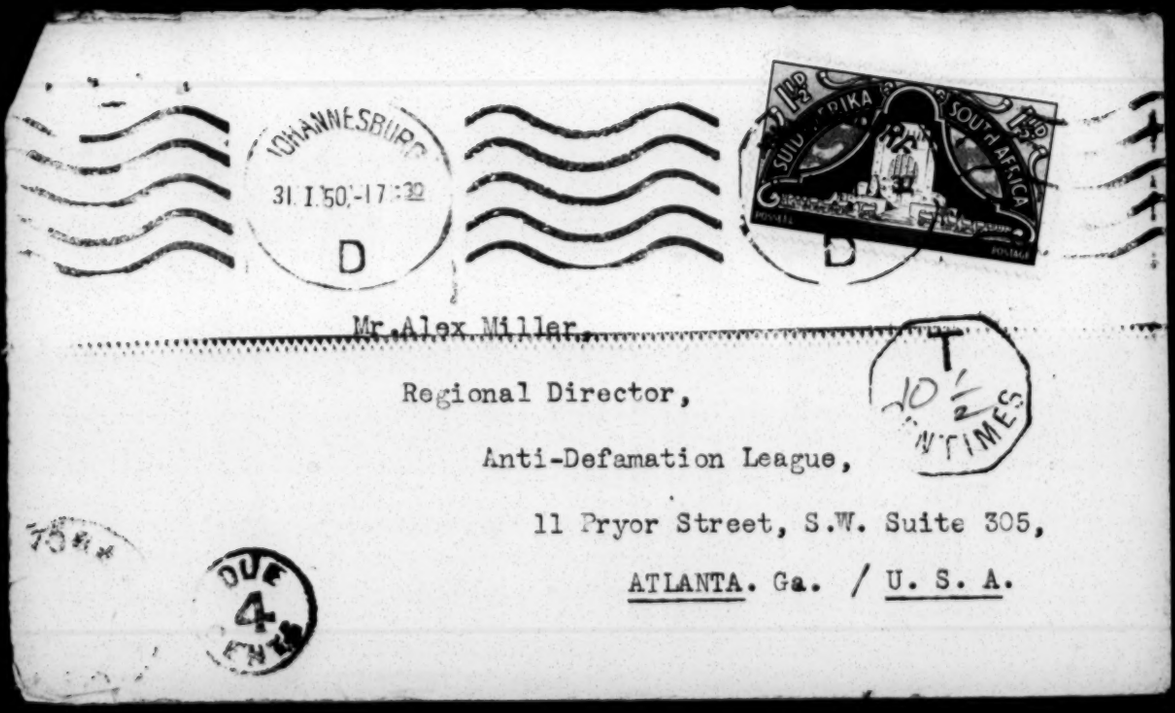

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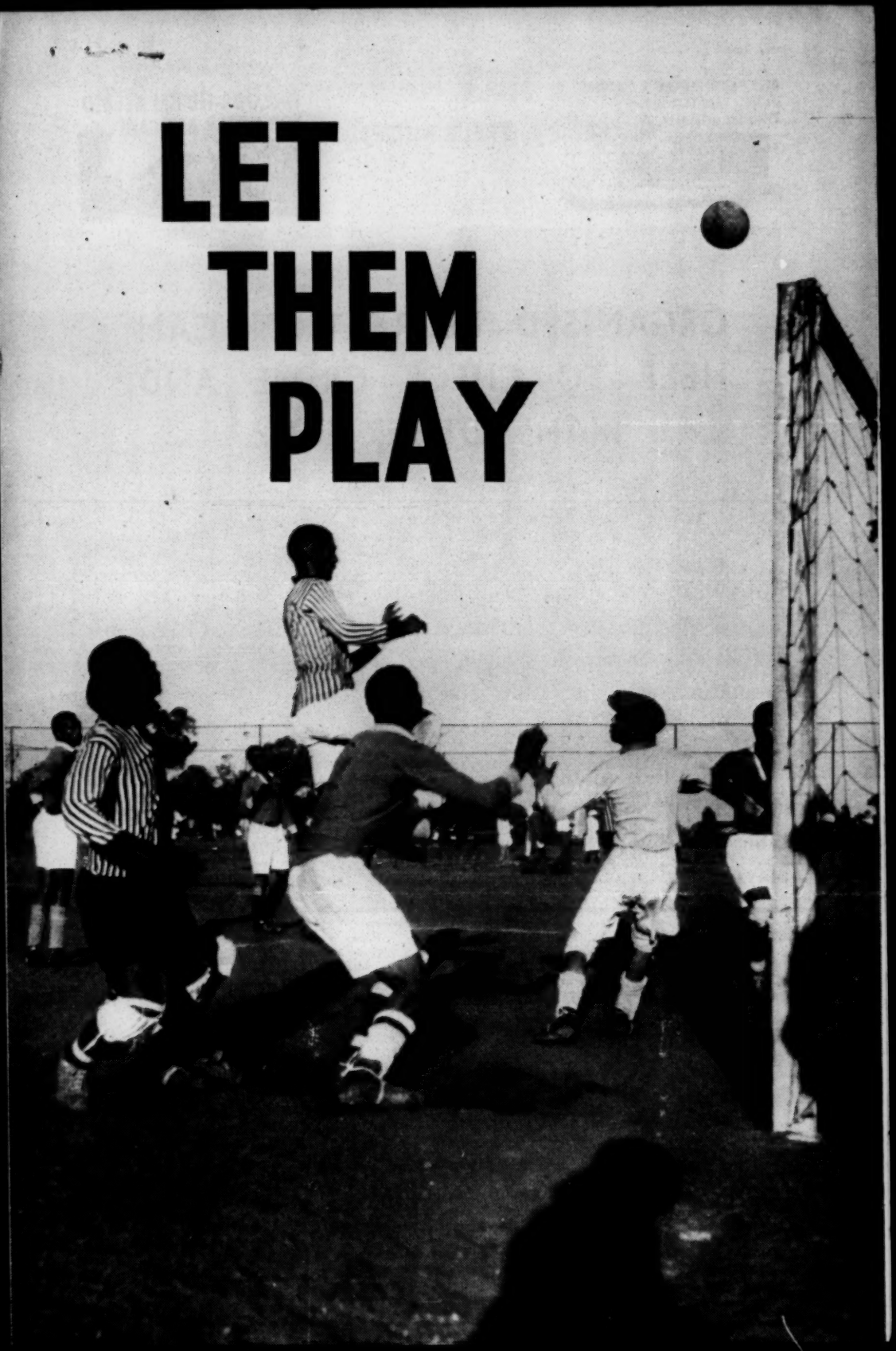

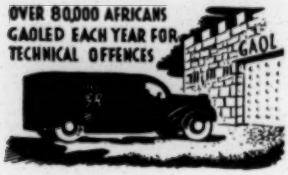

ORGANISED RECREATION CAN HELP TO CHECK CRIME AND MANY OTHER EVILS

PROPER recreational facilities, like proper housing, are conspicuously absent in urban areas occupied by Non-Europeans. Yet we all recognise how much open spaces, sports grounds, clubs, gymnasia, swimming baths and tennis clubs contribute towards diverting *our* energies into healthy channels.

What then of the many thousands of *Non-Europeans* in the cities for whom no such opportunities exist? Many youngsters cannot get into school. Libraries, clubs, community centres and playing fields are all too rare ; and where they exist they are usually overcrowded and under-equipped.

What remains? The backyard " beer drink," the gambling dens, the street corners, the shebeens and the rest of slumdom's " amenities."

Healthy Leisure is as Essential as Healthy Labour in Building up National Morale

THE S.A. INSTITUTE OF RACE RELATIONS IS TACKLING THE LEISURE-TIME PROBLEM FROM MANY ANGLES

The Winifred Holtby Memorial Library for Non-Europeans in Johannesburg is one of the few libraries to which they have access. Many more are required.

In the chapter on "Physical Education, Sport and Recreation" in its 780-page *Handbook on Race Relations in South Africa*, the INSTITUTE quotes the following words of the 1938 International Olympic Committee.

> "For every 1,000 people, there should be provided 5 acres of public playing fields, namely, football, hockey, tennis, athletics, basketball, etc. . . ."

As with other major national issues affecting Non-Europeans the INSTITUTE acts as a constant pressure-group whenever recreational facilities are being discussed. Its main practical work in this connection has been done through other organisations, e.g., Girl Wayfarers, Pathfinder Scouts, the International Club, Bantu Men's Social Centres, the Y.M.C.A., various civic Non-European Affairs Departments and the State Departments of Social Welfare and Education.

Lack of recreational amenities, the INSTITUTE feels, is another link in the vicious chain of circumstances leading to crime, ill-health and anti-social behaviour. In its fight against all these checks on progress, the INSTITUTE looks for support from all South Africans who have vision, faith and conscience.

BY HELPING THE INSTITUTE FINANCIALLY YOU ARE HELPING TO ENSURE THAT OUR COUNTRY WILL HAVE A SETTLED HARMONIOUS FUTURE.

Join the

S.A. INSTITUTE OF RACE RELATIONS

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Signed .....

Name (Block letters) .....

Address (Block letters) .....

.....

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Date .....

* *Delete whichever is inapplicable.*

HV/V 98804 11.49

~~An, misc.~~

Africa

March 13, 1950

The Reverend Mr. ~~Annoyer~~ Anonye
Livingstone College
Salisbury, N. C.

Dear Mr. Annoyer:

Very nice to have your letter of March 8. I am sorry that the copy I had about me of the Pembroke Progress did not get saved, but the notice was brief though cordial.

My interest is in multiplying examples of just such visits as you made to Red Springs. There are a good many scores of African students at colleges in these southern states.

There are thirty at Atlanta University, ten at Tallahassee, five at Jacksonville, eleven at Bethune-Cookman in Daytona. They came here for a world view, and we are certsinly not getting it to them.

This Council has a good many links with church and university people over the South. I have been trying to think up ways in which to get more speaking engagements for these African young people, and thought, perhaps, you could tell me from your experience the best way to go about it.

Meanwhile, if I get to Salisburg any time soon, I will hope to catch you still there.

Sincerely,

George S. Mitchell
Executive Director

GSM:wgd

P.S. I would appreciate seeing the issue of the Pembroke Progress bearing the said article about me. Thanks.

Livingstone College,
Salisbury, N.C.
March 8, 1950.

Mr.George S.Mitchell,
Executive Director
Southern Regional Council,Inc.
Room 432,
63 Auburn Avenue,N.E.
Atlanta, Ga.

RECEIVED
MAR 10 1950
Southern Regional Council

Dear Brother Mitchell:

It was my happy privilege to have had the opportunity of being the recipient of yours of the 7th inst. bearing reference to my appearance at Red Spring,N.C. sometime last month.

I shall be delighted, upon receipt of your own Council's official invitation, to bring to you as I have been bringing to many religious, civic, social, and political groups since upon my arrival in this country, some firsthand information about my country, the land of Stately Palms - Africa.

Any date in April suitable to your Council and at weekend, might be given our serious thought at this end, as soon as we are informed of it. The article, entitled:"Missionary To America," which should be found on Page 132 of enclosed paper, "ONWARD," published by the United Church of Canada, might be of some interest to you.

It has just been sent to the writer from Toronto Canada. The subject of that article was a student at Cornell University, Ithaca, New York, last summer.

Sincerely,

Ofonye

Please See Page 132

ONWARD

• A PAPER FOR YOUNG CANADIANS •

Vol. LX TORONTO, FEBRUARY 26, 1950 No. 9

When the Roll is Called Up Yonder - By H. GORDON GREEN

"There with nothing between him and his God he prayed the same thing"

JOHN came down the lane toward the pasture beating time on the side of one rubber boot with a willow gad and singing "When the Roll Is Called Up Yonder." John was letting it out with a little more than the usual swell this morning because it was nearly camp-meeting time and just thinking about camp meeting gave him a certain inspiration. Everyone was going. Well, not quite everyone. Bud wasn't home yet.

When John began thinking of Bud this morning he worried a little. Oh, nothing you could put your finger on. Bud had done very well his first year at college. He had been in the upper ten and the papers had printed his picture for winning one of the scholarships. John was proud and he was glad now that he had finally sold those three Angus heifers for the tuition last fall. But there was just something about Bud's letters of late that made him wonder. He remembered how some of the good folk down at the church had warned him against sending his son to university, especially for a science course. Science, they said, was the plaything of atheists, and a university was a place where young squirts got swollen heads and shrivelled souls. A place where one was taught doubt as a primary fundamental of learning. A place where religion was something you either avoided or studied from a historical or psychological point of view just as you would study an outworn tradition or an interesting superstition. No, there wasn't anything he could put his finger on, but all the same this morning John was asking himself, well, now suppose Bud did get here in time to go to camp meeting. I wonder if he'd come with us.

Well, Bud did come home in time to go to camp meeting. He came tearing in just before dinner in a long, sleek yellow roadster with white sidewall tires like they used to have back in '40 and there was another man and two girls in the car with him. Bud kissed his mother, shook hands with his father, and slapped the rest of the Sunday School class on the back. Then he introduced his friends.

First his new girl. He said, "This is Lucille. I—I guess I told you something about her in my letter. She's the one majoring in sociology, you know. Her father is a professor."

Lucille got out of the car and smiled. "I've heard so much about you. I'm awfully glad to

Contents copyright, Canada, 1950

meet you." She said it very sweetly and as if she meant it.

The other couple were the Van Coops, Mr. and Mrs. She was a quick, dark little woman with big eyes that never missed a thing and there was a certain high-nosed quality about her that oozed culture in every gesture. Even in the way she slid out of the front seat.

He was a little fellow with a big mop of hair curling far back and sideburns curling far down and a little baby-coloured moustache. His tweeds were checked, and if that wasn't enough to make you realize that here was an outstanding character, he sported a yellow tie and a lavender silk shirt. John thought he must have been a poet or a philosopher. He was surprised to learn that he was a sophomore at the university.

John wiped his axle-greasy palms on his overalls, shook hands all round, decided to look politely happy and insisted that they all stay for dinner. Things didn't go so badly. Lucille was very easy to talk to, and no one felt that she was trying to put on airs. The dinner was marvellous in spite of the apologies, and everyone said so. And after the meal Lucille insisted on dunking her pretty hands in the dishwater, fingernail paint and all.

John probably would have never brought the subject up. It was Bud who mentioned it after dinner. He said, "Dad, I guess I won't be going to camp meeting with you this year. Van wants me to go up to the lake with them. They have a brand new house trailer up there; you know, one of these big four-wheel tandems. They call her the 'Gipsy Queen.' Got everything in it, gas, electricity, frigidaire, air conditioning, running hot and cold water, shower. Oh, she's a beaut. And there's always a bunch of students up at the lake for vacations. There'll be some real intellects. Not that I wouldn't like to go to camp meeting, Dad. You know."

John said "Oh" with a question mark.

Bud felt the need for further justification. "You see, Dad, I was lucky enough to get that place on the university's geological expedition to Cape Horn. We'll be sailing in September. We'll be gone most of a year, and I think maybe I'm entitled to one really good holiday before I hit the high seas."

John said "Oh" again, this time without the question mark. "Going to be hard seeing you sail, son, but I guess I'm proud anyhow. But I'd still be awful glad to have you with us at camp meeting. Got a couple of good preachers this year—young fellows just out of college—I sort of figured you'd like to meet them."

They had been sitting alone over on one end of the front porch and Van Coops was down on the lawn dismembering the bell of a tiger lily. Suddenly Van caught the drift of the conversation between father and son. Now if there's anything interesting to a non-religious man it is the discussion of religion, and Van promptly dropped the plucked flower and came over.

"I hope I don't appear too uninformed," he said, "but precisely what is a camp meeting?"

John was a little surprised that a man so well educated didn't know what a camp meeting was, but he was too polite to make a crack about it "We go every summer," he said. "They hold it down near London. We take a couple of tents and we camp out with a lot of other good folk in a nice grove near a creek and three times a day we have services. We always manage to get some real good preachers—we go for the kind that's not afraid to tell the truth. And we've always got a lot of good singers and a few guitars and stuff. It's a little different from church. You can let yourself out and sing at the top of your voice."

Van started to laugh. "This is interesting," he said. "Quite a study! Quaint."

John said, "Don't you believe in camp meeting?"

Van laughed in a condescending manner as a sage old man might laugh at a little boy. "As a matter of fact I don't believe much in any sort of religion. It's pretty old-fashioned, you know. . . . Of course, now don't get me wrong. I'm not condemning you for it. My old man is the same way, and I'm not blaming him either. He's had no alternative but to believe just what others have handed down to him. Now at the university we go at things a little differently. We want to have reasons for our beliefs. See? In fact, we don't believe in believing unless we have a reason. Understand what I mean?" His mighty words came smooth and hard and polished.

John was between the devil and the deep blue sea. He wanted to be courteous. He wanted to stand up for his faith. He looked at Bud with mute appealing. Bud should have said something in between. He must have known the hurt that his father felt. But he merely said, "Van's quite a philosopher, Dad. He's pretty shrewd."

John thought of the three Angus heifers and how pretty they would look knee-deep in clover right now, and he thought of the dire predictions of the do-gooders and the "I-told-you-so's" and his eyes began to burn. So did his temper. No, not his temper—his righteous indignation. From now on he was going to answer back.

The sophomore was getting eloquent. He was waving his hands and cocking his head to one side like a goose looking at a hawk. "The trouble is that you have inherited the disastrous trait of believing in the indefinite, the unseen, the unproven. In other words you are subscribing to a form of superstition. Do you plant your oats in the dark of the moon, sir?"

"No, I don't."

"Well, why believe in religion and not in a simple superstition? Have you any more proof for one than for the other?"

"I believe the Bible. I read the Bible. I go to church."

"But you have merely formed a habit, sir. Habits of believing and reading the Bible and going to church. And the reason you think you know, is simply because you have conformed to the pattern of your habits, not because of any reasoning that took place. Let me illustrate. You no doubt went to church last Sunday?"

"Sure I did."

"And you felt refreshed and clean and right with the world. Right?"

"Right."

"Was it because of the sermon you heard?"

"I suppose it was mainly the sermon."

"What was the text?"

John scratched his head, got hot in the face and racked his memory for a full miserable minute and he couldn't remember a thing.

Van turned to Bud with the air of a great man who has just conclusively proven a great principle. "You see? He says the sermon was responsible for his feeling of exaltation and yet he can't recall a thing about it."

John had an answer. "Mr. Van Coops, I can't remember what I had for breakfast this morning either, but I know I was fed."

Everybody let it go at that. John

didn't have much chance to see his son in private the rest of that short afternoon. Only when Bud was in the hall getting his jacket for the trip to the lake, did he have a chance to talk to him alone. He said, "Well, son, we'll be gone to camp meeting first thing in the morning, so we won't be seeing you for a while. Have a good time, son. I'd sure like to have a look at that trailer myself." Then he gulped a bit and put his hand on the boy's shoulder and said, "You don't feel that way about religion, do you, son? Like Van?"

Bud fingered the seam of the jacket. His voice was low and just a little sad. "I don't know, Dad. I've got to think it over. I've got to prove a few things for myself. After all, I'm going to be a scientist some day and if I'm going to have a religion it's got to be reasonable. A scientific religion. Try to understand me, Dad, will you? And don't get sore."

John looked down at his shoes. "No, son, I won't be sore. I might be disappointed but I'll never be sore with you. I'll just be praying that you'll come out all right, and I'll always be proud of you."

They stood there for a moment in that awkwardness that men feel when emotion begins to flutter in their speech, and then they went outside to the yellow roadster loading up for the lake.

It was a glorious camp meeting that year. The preachers were full of the spirit of truth and the zeal of their youth. Anointed with fire, John's kind of folk would say. Nor did the day end with the last prayer of the evening service. Long into the night the grove rang with the melody of old-time hymns. Stern, hard-faced, hard-fisted men who would spend the rest of the year in the grey monotony of wrestling with an unwilling earth for a meagre living, suddenly broke out of their shells, improvised quartets and sang till the birds in the trees above them rustled in complaint. This was music.

But John didn't join in many midnight quartets that year. He had a little problem that he and God and nobody else could settle. And after the evening service he secretly drifted away from the grove and down to the loneliness of the creek bank. There, where the songs from the grounds above him melted through the woods just loudly enough to be heard above the frogs, he talked it all over.

"God," he said, "I've got a son. He's a good son, and he could be a lot of use in the world if you'd just let him see a little light. But he's been in with the wrong bunch, Lord, and

(Continued on page 142)

Vignettes of Early Canada

By JOHN F. HAYES

The Giant of Lake Ontario

THE sinking sun was turning Lake Ontario into a tossing pot of molten gold as the two fishermen hauled in the last of their nets over the side of their little sailing boat, flicking the wriggling fish from the meshes with deft skill.

The day's catch had been good, and it would bring a high price in near-by York, for the town was crowded in these late fall days of 1814, and there were many mouths to feed.

The man in the stern of the smack gazed eastward as he set the tiller for home, and his eyes widened as he peered across the tumbling water.

"Look, Duncan!" he cried to his companion. "A ship! Can it be that my eyes are playing tricks on me! Surely no vessel as big as that one sails the lake. Look at her!"

He pointed to a huge ship that bore down towards them from the east, her billowing sails catching the last rays of the sun and flinging them across the water. The second fisherman grasped the gunwhale in front of him as he squinted towards the oncoming vessel.

"Ay, Stephen," he replied quickly. "'Tis a big one for sure! Could it be the great *St. Lawrence* we've all heard about? Wait. . . . let's not go home until we are sure!"

They swung their own craft into the wind, watching the mighty vessel which was rapidly overhauling their tiny smack. Their eyes sparkled as the huge man-of-war drew closer, her high, blunt prow pushing aside the water in long, rolling furrows of foam. Her sides rose from the surface like a towering wall, and her spreading sails seemed to fill the sky. Her masts rose like century-old pine trees, and her beam was more than equal to the length of many a schooner they had seen sail out of Toronto Bay.

"'Tis she!" breathed the second fisherman. "The mighty *St. Lawrence!* No other ship could be as large!"

"Never have I seen a vessel like her before!" answered the other.

And never again would they see such a vessel on Lake Ontario, nor would any other man who lived before or since, for the *St. Lawrence was* the largest warship ever to be built on any fresh-water lake in the world, a claim to fame she still holds to this day.

Built in Kingston, then in Upper Canada, to serve as the flagship of Sir James Yeo, Commander of the British Fleet on Lake Ontario in 1814, the *St. Lawrence* was one hundred and ninety feet long, sixty feet in the beam; and her stem and stern posts were forty feet high. Her main-yard alone used up all the timber of a hundred-foot pine tree, and her two gun decks were pierced for over a hundred cannon.

She carried a thousand men, and her anchors, capstans, rope and fittings came from the finest naval yards of Great Britain, brought three thousand miles across the Atlantic, and hauled up the St. Lawrence River in big, flat-bottomed Durham boats.

Like so many other precious relics of Canada's early years, the *St. Lawrence* has long since disappeared, but her picture is a treasure of the John Ross Robertson collection in the Toronto Public Library, where Canadians may see today how the greatest warship ever to sail a fresh-water lake once appeared, as she sped over Lake Ontario, past the two amazed fishermen, and on into the setting sun.

Missionary to America - By HELEN C. ABELL

WHEN a Canadian, in an American college classroom, hears a cultured English accent straight out of Oxford University, then one is very apt to turn and take a good look at the speaker. This was my first awareness of the Reverend Albert Chinedozi Anonye, the tall, handsome bearded African who soon became the centre of attention during the past summer school session.

Stories about him flew thick and fast. "He is a prince in his own country of Nigeria in West Africa"; "He is a cousin of Mahatma Gandhi"; "He has three wives in Africa and is looking for another one here to take back with him" (this tale emanated from a bevy of hopeful maidens who, no doubt, were indulging in a little wishful thinking); "He was taken into the home of a European missionary as a child and was trained to become a minister." Everyone picked up the brush and added another tint to the colourful background of this vivid personality.

Albert Anonye could have been mistaken for an exhibitionist if one looked only on the surface. His striking personal appearance, or the variety of African and American clothing that he wore. One day a flowing white robe and large turban; another day a snow-white European business suit; a shapeless striped blue and white toga-like garment hanging from his broad shoulders; or a plain, severely cut black suit complete with starched white clerical collar. One never knew in what garb he would next appear.

One day two black-robed Roman Catholic sisters stopped to talk with him on the campus. This interview ended with Albert taking a photograph of the two ladies and they in turn taking a photograph of him. Afterwards with his deep chuckle Albert asserted that if he had been able to prolong this meeting he would have converted both of the Sisters!

This was one of his most likeable qualities, a sense of humour that offended no one and that constantly came into play. At one time a class of which we were both members travelled some fifty miles to attend a "Potato Growers Field Day." Albert wore his flowing white gown and turban. It certainly was a Field Day, but not for the potato growers! Albert stole the show. All during the day people came up to him to be introduced and to take photographs. Newspaper reporters swarmed in his direction. Our departure for home was delayed half an hour because Albert was making a radio broadcast from the grounds. He mounted a new tractor and drove it, to the delight of everyone. He sat on the passenger's seat of a huge two-bladed helicopter that was on display as a machine for "dusting" potato fields. However, Albert refused to take a flight on this machine as requested. He explained very solemnly, with a twinkle in his eye, that his robe would fill with air and he would be carried off solo into the sky.

During classroom sessions it was possible to catch glimpses of the deeper, more serious nature of this man, and to hear from him the story of his background and his reasons for visiting North America.

Albert is one of a family of six children. His father, a farmer in Nigeria, returned from the fields one evening to find that his wife, alone and unattended, had given birth to this boy. For this reason the African name "Chinedozi", "God prepares", was given him. "Anonye" is a family name.

Until this trip to the United States, Albert's entire education was received in Nigeria, West Africa, where he learned to speak five different native dialects as well as Hebrew and English. His teachers had learned to speak "Oxford English." Albert's accent is a faithful reproduction of this manner of enunciation and phraseology.

As a young man he worked as a clerk for the huge United West Africa Company Limited, a branch of Uni-Lever of London, England, which operates an immense farming project in West Africa. All this time his way of life had been oriented toward Christian living. He was always deeply concerned with Church work, especially Sunday School activities with young people. As he describes it, he was "hands, feet, heart and everything in Church work."

Feeling as he did, this man left his clerical job to devote his life to the service of God, the source of his inspiration. For the past twelve years he has preached in Africa, spreading Christianity among his own people. In time he became a District Superintendent of the African Methodist Episcopal Zion Church after pastoring in the Cameroons, Nigeria, the Gold Coast, French Toga Land and Liberia. During this time he started to take correspondence courses from an American theological college to acquire the academic training helpful to a minister in any land.

While he was in the midst of these courses the recent war stopped his studies temporarily. Nigeria, being a British Colony, was in the sterling area, and it was not permissible for him to send money to the United States in the dollar area, to continue payment of his tuition fees.

At the conclusion of the war he left his wife Evelyn and their small daughter in Nigeria, and flew halfway around the world to enroll in Livingstone College in the United States as a full - time student. There were two purposes for his coming to America. One was to complete his

One More Day

By EFFIE BUTLER

ONE more day with numerous calls to duty
Brings daily tasks we dare not leave undone.
Small kitchen chores that show so little beauty
And toil that fills our hearts till set of sun.

One more day devoted unto others,
Few moments to indulge one's own desires,
One has to cook to quell persistent hungers,
There's dusting, sweeping, building up of fires.

But each day brings its rich gift of gladness
That can be found in even trivial things;
One more chance to answer with impleteness
The call to service that each morning brings.

Social Science Class, Cornell University, Ithaca, N.Y. At Anonye's left is Prof. W.W. Reader PH.D

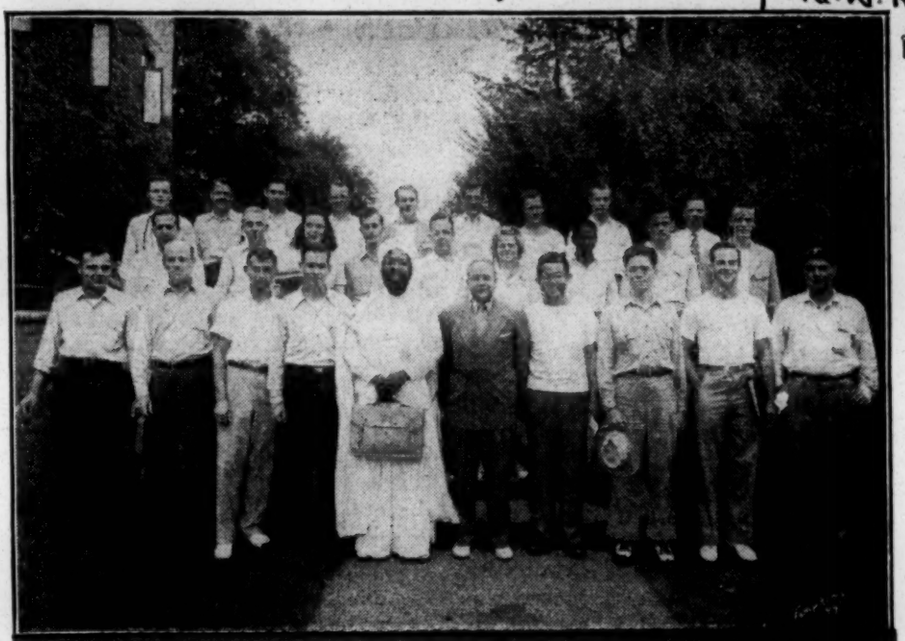
academic training, the other was to share his deep religious convictions and experiences with both black and white people on this continent.

Albert Anonye has received hospitality from people of many creeds and colours during his short time here. He has been received as an honoured visitor and respected as a sincere and inspired servant of God. He has also been the intended victime of racial prejudice, a condition unknown in Nigeria but well known in some parts of the world.

The phrase "intended victim" is used deliberately. The first time Albert, alone, boarded a bus in a certain part of the United States, the driver, noting with amazement that this black-skinned man took a seat in the front section of the bus, preemptorily ordered him to move to the back of the bus, which was the place for "coloured people."

Albert Anonye rose to his full stature. In his deep, clear voice he informed the driver and passengers that he had recently flown half-way around the world, visiting many different countries, in all of which a man was judged for his worth as a human being and not by the colour of his skin. He told them that racial discrimination did not exist in his frame of mind or living, and that the time had come when the world must become one or disintegrate. The startled bus driver apologized. Albert resumed his seat. The local papers subsequently carried the story and picture of this unique man who both preached and practised universal brotherhood with no recognition of nor surrender to racial discrimination.

This and other experiences have caused Albert Anonye to wonder at a civilization that has sent white-skinned missionaries for many years to Africa where these people tell of God, the father of all men. Yet these missionaries come from a continent where men pray to two different gods. The white men pray to their own personal white god in their churches. The black men in their churches do not feel any relationship with this god. They pray to a black god in whose image they were created. There is no kinship between the two. Racial prejudice has brought this distorted view into existence. Albert Anonye is being constantly requested to preach in churches throughout this country. He addresses both black and white people, and to all he brings his message of living Christianity, the practice, not just lip-service, of the reality of universal brotherhood.



Rev. Albert Chinedozi Anonye, With a Group of Students

The other colored student is Mr. L. Kumor of Bombay, India

Listening to this man address a congregation, one is first conscious of his superb showmanship. His black skin and beard contrast with the snow-white robe. His gestures are highly dramatic. His voice rises and falls, at one moment filling the auditorium with noise and shouting, the next almost a whisper. It is impossible to be in the audience and not be moved by this man. Through him Christianity is a way of life, not a creed alone. He is completely filled by his religious convictions. This is one reason for his power. He is completely sincere in his religion. He earnestly desires to know God and to pass on this knowledge to others. His sermons never deal with racial discrimination and prejudice. His texts are from the Bible and bring to his listeners understanding and courage in facing life. As he talks he ceases to be a bizarre figure from a foreign land. He becomes a man of God, bringing light and guidance to other men. The sincerity and depth of the man are best revealed during his sermons.

Albert Anonye is now in the United States. He plans to visit Canada before returning to his home and people in West Africa. Anyone who is privileged to know this man echoes the feeling of an American minister who recently assured his congregation that Africa should reciprocate the missionary work and send more of her deeply inspired religious men to this continent with their message of Christian living expressed in daily life.

In truth the Reverend Albert Chinedozi Anonye is a missionary to America.

The Bridge of Books

BOOKS act as bridges, connecting two or more different worlds, and the youth who learns to love them will find his life greatly enriched, if only he seeks the right kind of reading. It is not given to many of us to see foreign lands, but we may take up a book, and in a few minutes we may tread with Nansen's men the ice, roadless yet fascinating, of the arctic. Or we may visit the greatest mountain chains which the world possesses, and the Rockies, the Himalayas and the Andes may stand before us in all their majesty. We may stand before the pyramids in Egypt, and wonder at the vistas of the millenniums which have gone. Or we may discover the beauties of language in the poet's enthralling words, or live again in history the life of the ages which are now long past. There are few more valuable possessions for anyone than a love of reading. It links us to worlds which we could not otherwise know. Better than wealth to any child is a true love of books. And the greatest of all is the Book of Books, which we call our Bible. Use it, treasure it, enjoy it.

Great Hymn Writers - By ALBERT E. BAILEY

John Newton (1725-1807)

"Glorious Things of Thee Are Spoken." Also seven others.

Newton, the Man

NEWTON started life as a bad boy. His pious mother died when he was seven; his father, a Mediterranean sea captain, soon married again and sent the boy to a boarding school. The schoolmaster ruled with a big stick, and made John hate school. John left for good at ten, went to sea with his father at eleven, fell in love at fourteen, was forced to enlist on a man-of-war at eighteen, but, through his father's influence or a bribe, was raised to a midshipman. John hated the whole thing, deserted, was caught, put in irons, whipped publicly, and degraded to a common sailor. His ship was glad to get rid of him, so he became a sailor on a slave ship bound for Africa.

Once there, he quit the ship and took service with a white-slave dealer on an island off Sierra Leone. Now he was virtually a slave, half-starved, and unmercifully abused by the slaver's black wife. John wrote his father, who persuaded a sea-captain friend to take him off. Now he joined a trading ship collecting gold, ivory, dyer's wood, and beeswax. On a long cruise, a storm nearly finished him; the ship barely escaped foundering; provisions spoiled or were washed overboard; for four weeks they had nothing to eat but fish caught on the Grand Banks. As a result of this fright and reading Thomas à Kempis' *Imitation of Christ*, John was converted.

John now became a slave trader. It was dangerous business, including treachery of crews and rebellion of slaves. But he tried to make his religion work. Twice every Sunday he held a religious service for his crew. Once a conspiracy nearly took his ship. He finally gave up the slave business and married an English girl.

Now he got a job as tide surveyor at Liverpool, but, inspired by Whitefield, he began to study for the ministry. Many times in ten years he was examined for Holy Orders in the Anglican Church, but was rejected. At last, under pressure from Lord Dartmouth (for whom Dartmouth College was named), he was ordained and sent as a curate to Lord Dartmouth's little village of Olney. There he stayed fifteen years.

There his real life began. He devoted himself to elevating the religious life of the common people. Most effective in drawing young and old was the oft-told story of his shady life; but what endeared him to his people was his interest in them, his own genuine goodness, his earnest preaching of the gospel. In these respects he was unusual.

Newton became what is called an Evangelical. He tried to convert sinners and train them to become saints. In this he succeeded. His congregation grew until he had to build a gallery in his church. Then, besides the morning and evening services, he held devotional evening meetings. On Thursday afternoons he taught little children the Bible and religion.

He began to write hymns, and finally, with the cooperation of the poet, William Cowper, he wrote and published the *Olney Hymns*—a collection of simple Christian poems, really a book of instruction in the Evangelical faith. In time the use of this book spread over the English-speaking world.

Newton afterwards was a London pastor for twenty-eight years. At eighty-two, he said: "My memory is nearly gone, but I remember two things: that I am a great sinner and that Christ is a great Saviour."

The Hymn

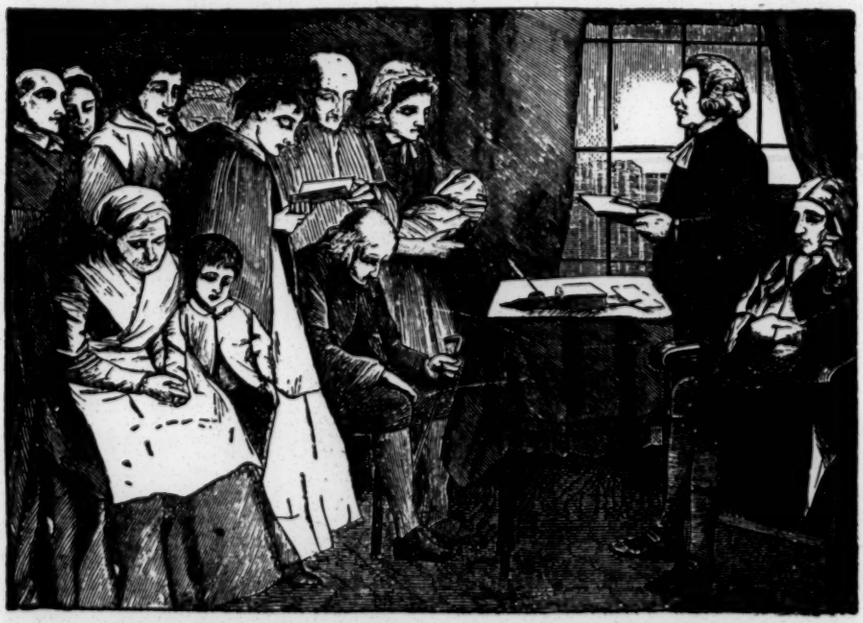
"Glorious Things" is probably Newton's best. Like most Evangelical hymns, it is based on Scripture (e.g., Psalm 87 and Isaiah 33: 20, 21), and is full of phrases that were once Jewish but now are Christian.

Zion: The poetic Jewish name for Jerusalem, the seat of the Temple. After the city was destrayed by Titus, A.D. 70 Christians sublimated the word into the ideal city of the future, miraculously created on earth by God for Christ and his redeemed (Revelation 21: 2, 3).

Rock of Ages: The city's foundation, which is Christ (Matthew 7: 24, 25). Possibly Newton borrowed the phrase from Toplady's famous hymn published three years before. That title for Christ has been continuously used ever since.

See, the streams: The imagery is taken from Moses' striking the rock in the wilderness (Exodus 17: 1-6; Revelation 22: 1). Without water, men would die. So in the Christian life, unless God ("Eternal Love") supplied miraculously this water ("Grace")—God's free gift of saving power and inspiration, citizens of Zion would perish.

All these picturesque details show that ultimate state of the redeemed when God shall have perfected human society—a perpetual ideal that has never yet been realized. Jesus called it the kingdom of God.



Olney Cottage Prayer Meeting, Led by Newton and Cowper

D. P's. I Have Met

By R. W. ARMSTRONG

ONE of the most interesting of the displaced persons I have met is a woman who was born in Eastern Poland. She is married to a man who has had a unique military experience and who occupied some very important positions with the Allied armies during the World War. She and her husband are now in this country starting life anew. They refer to Canada as their "adopted country" and are seeking to establish themselves in positions where they can each give expression to their talents and contributions of their experience to the upbuilding of Canadian life and culture.

This woman was born of Catholic parents and grew up as a devoted member of the church and a practising adherent to the faith. After receiving a liberal education she decided to devote herself to the study of Art. She spent five years in Italy and one year in Constantinople, at which places she received instruction in both painting and sculpture. I am not an art critic, and therefore am unable to place a value upon her work. I know it has something distinctive about it. Since coming to Canada she has made several small paintings, and numerous ornamental articles, which would grace any drawing-room. She models all sorts of figures out of clay, plastic and soap. Artistic lampshades, plaques and tapestries are to be found among her handiwork. She hopes to find a market for these things in Canada and perhaps go into production on a fairly large scale. This is a compromise with her earlier ideals, because she had studied Art for Art's sake and had always thought of it as apart from mundane processes. After a brief mental struggle she decided to capitalize on her accomplishments and convert them into a source of livelihood—for a time at least.

She speaks Polish, German, French, Spanish, Italian and Turkish, but her use of English is, as yet, quite limited. For this reason it is very difficult to carry on the philosophical discussions in which she wishes to engage. In religion she is now a Buddhist, and she says if she only had a good interpreter she could persuade me to change my religion. However, with the aid of a dictionary we are able to make one another understand a good deal, and give expression to a variety of ideas. Her husband, who is a combined Catholic and Spiritualist, listens to our arguments with a mingled expression of amusement and pride.

"Too much think—no good," she said, shaking her head.

The Author and a Number of New Canadians

"Don't you believe the Lord expects us to use our brains?" I asked.

"Yah, use your brain, but not too much. God is very quiet, very sure, and very wise. When we know him we can be quiet too."

As the argument proceeded it became clear that she did not consider it wrong to think, but she was trying to tell me that too much intellectual speculation would put one out of touch with God.

When I compared one of her statements with the teachings of Christianity she said, "Yah, God is in every religion and in every church."

Her husband winked at me and said, "Only Catholics go to Paradise."

"Ah!" she said, "I no want to go Paradise; no fun there. I want to go on in this world; very good place. Maybe I born Swedish woman next time."

Mischief gleamed in her husband's eye as he said, "You might be born a man."

Ah, man no good," she exclaimed.

"It would be an awful thing if you were born a pig," I ventured.

"Pig? Pig?" She consulted her dictionary. "Ah, swinie! Swinie O.K. No sorrow, no grief. Better dan your hot place, but man, no."

After this piece of levity she continued seriously, "Good character everything. Only thing pass on. Mr. Gandhi, good man. I like him much. I go his class. He teach me much. All India have better life because of him. Some of him in many, many humans. Yah, good character best thing, better dan up and down in church." (Here she made a motion to signify standing and kneeling.) It seems she embraced Buddhism during her stay in India.

During the conversation we were in constant danger of being side-tracked by her husband who was anxious to know what I thought about "Spiritism." "Two million spiritists in Britain. Must be something in it. One man said on radio he heard man dead two thousand years talk in Sanskrit. Maybe all this psychic too, but it could be real just same."

After this diversion the woman resumed, "I brought up Catholic, I study Spiritism. Buddhism best for me. Buddhism big. Can be Christian and Buddhist too. Maybe Spiritist. Anything true go in Buddhism. Truth make character. Character best."

"Did you ever read the Bible?" I asked.

"Yes," she replied. "I read the Talmud and the Koran."

"Did you ever read the Gospel?" I asked.

"Gospel? What is dat?" Again she consulted her dictionary. "Ah! I know. Not read much."

She has the type of mind that would revel in the Gospel of St. John, and I am going to see that she gets a copy of it in Polish.

We sometimes complain that we never had the chances that others have had, when the trouble really has been that we didn't have the wit to see them when they did come.

The BUSINESS of LIVING

A Question and Answer Department for Your Personal Problem

PERCY R. HAYWARD: Director of Young People's Work, International Council R.E.
GRACE SLOAN OVERTON: Young People's Leader and Director of R.E.

The Very Young Parsonage-Lady

QUESTION: I am very young although I have been married two years. Our first baby is here. I love our baby. But now all at once I don't enjoy being married any more. I feel sorry for my husband. He is a young minister and tries so hard to make me happy. Everything about being a minister's wife is something I don't like. How my house is kept is nobody's business but mine; yet my husband says we must think of what the church people think. I don't like everybody picking up my baby when we go to church and blowing their breath into her face. My husband says we must not offend the good ladies. I don't like everybody giving me advice. I really want to make a go of our marriage. But how can I when I am so mixed up and when there are so many things about my life that I don't like?

Answer: This is a really good statement of a problem—by a very young wife who really has the best of intentions. But she has quite an assortment of adjustments on hand, hasn't she?

So much depends on how this young matron of the manse handles all this, that we can afford not to hurry as we discuss it with her. And I would say to her first that she should not be at all frightened by the way she feels.

Let me speak to you directly now. Many mothers find themselves in some such mood after their first baby has come. You had previously your romantic love for your husband—and that while still in your teens, remember. Now has come your baby with all her demands for adjustment to a third person in your intimate living. Combining mother love for the first child with romantic love for the husband is quite a tax even for a woman much more experienced than you have had opportunity to become in handling emotional adjustments.

Not being frightened, now look at the other adjustments demanded of you—some not expected of other young wives and mothers. Living in a parsonage is an art that many women cultivate through many decades and still admit to close friends they learn something new every now and then. People in a church and its community naturally expect certain things of their minister's wife. Perhaps they expect more than they should. Certainly not many congregations would unanimously admit they had a perfect wife in their pastor's life. And probably many ministers and their families strive too hard to meet *some* of their people's expectations. Any way you look at it, being a minister's wife is not an easy life for anyone who has devotion and sensitivity to others and their needs.

In your case, the women in your congregation never forget that you are both the wife of their minister *and also* a *very* young woman! So they *expect and advise—both.* No wonder you feel "mixed up." I venture that women who have never had even one baby advise you about child care. But never let that disturb you in the least—they doubtless mean their advice well. Are you sufficiently mature to hear them advise, to keep good humoured, not to show resentment when they mean well? Keep your own individuality without offending.

Remember how deeply you love this minister of yours—never let that fine, strong, tender feeling go! He is perhaps as much distressed as are you about the way you are feeling. Actually his whole professional future is tied up in your skill in handling this thing you're facing right now. This is a crisis for him—and so for all your own future and for that of your child too. A man who is harassed by his home conditions or by his wife's unhappiness can never be the evenly emotioned, spiritual leader every good minister aspires to be.

As to your housekeeping. Accent the "keeping"—that is, the routine hour-by-hour keeping things in order. Need space or some simple gadgets? You have ingenuity! One improvement in household techniques is worth more to you now than hours of moping!

Is it that the "good ladies" take over the parsonage daughter? Or is it that you go out of your home feeling edgewise toward them in advance? Be honest now.

Your husband tries to make you happy. Say that over and over—repeat *that* in your prayers. It's really true, you tell me. *Then you'd just better be happy!* Don't keep him baffled, anxious. Be right there beside him full sail ahead. Give yourself time—be patient with yourself! Watch your sleep hours—practise relaxation. Catch that emotional weariness early. Is there a fine, mature person in whom you can confide—get sustaining help? Hold on—until the day you're a *happy* lady of the manse with abiding comfort in your husband and family.—*G. S. O.*

Should We Tell Him?

Question: Some of us differ as to whether an older relative should have been told that he has only a short time to live. What is the wise thing in a case like that?

Answer: It depends upon the inner stuff of the patient.

If he is a nervous, worrisome, easily frightened person whose fear will make himself and others miserable, better let the doctors throw him of the track of the real facts.

If he has the steady courage and wise understanding of two friends of mine now waiting for cancer to do its work, better let him know. Each of these is accepting the fact with a calm courage that is a profound spiritual experience for themselves and loved ones. New insights come through sharing this knowledge. To deny either person the thrill of rising to this challenge would be unfair to his real self.

—*P. R. H.*

One hundred and fifty pastors and church leaders representing the Kwantung Synod of the Church of Christ in China met recently in Hong Kong for their annual retreat. Though the Communist advance through their territory was imminent, the mood of the delegates was calm. "We Christians are expecting to continue the work of the Church," declared a spokesman.

ONWARD

A WEEKLY ILLUSTRATED PAPER FOR YOUNG PEOPLE AND ADULTS

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On the Wrong Track

THERE is a story of a railway conductor who, in collecting tickets from the passengers one day, told them all that they were on the wrong train. One of them finally suggested to him that he had got on the wrong train himself. And that proved to be the case.

It is a mistake that is often made —to suppose that other people are going wrong, when actually it is oneself that is at fault.

To criticize others over-hastily, or even to blame them unfairly for suspected misdoings, comes all too readily to most of us. Critics of one's fellows find sometimes to their own surprise that they are themselves to blame for mistakes charged against others or for acts or opinions equally wrong. They themselves, and not the others, are on the wrong train.

The Christian Warfare

By ARCHER WALLACE

THERE are men — sometimes religious leaders—who cannot resist the temptation to flatter those in authority. Campbell Morgan in writing of such said: "Many a prophet has been spoiled by going out to dinner." John the Baptist was not in that class, and neither was the apostle Paul. John Wesley was on one occasion asked to preach to a number of magistrates whose sense of justice was never very true. Wesley preached with much courage and reminded them that they were not only judges of their fellow men, but answerable to God for their own conduct. Some of the magistrates were incensed, and very nearly did Wesley personal violence, but he feared God rather than men.

The finest wood in the world comes, not from tropical lands, but from countries like Norway, where long, black winter reigns for eight months of the year. The stout, strong-fibred Norway pine is in demand everywhere. The strongest characters are not those who have been pampered and made much of, but rather those who, like Paul, have seen much of "bonds and afflictions." A great deal can be said for the ministry of hardship. The finest periods of Christian history have always been those times when there was bitter persecution. Times of comparative ease lull into complacency and indifference.

The desire to be popular is understandable, and often commendable, but popularity must not be secured at the expense of Christian principles. It was a kind but courageous leader who declared: "I love the hatred of evil men."

Read—Acts 18: 1, 8-11; 2 Corinthians 6: 14 to 7: 1.

Self-Made Optimists

WHAT makes an optimist? Is it a carefree life, a life into which no suffering enters and no hardships come? Surely not. The cheerful man is often just as burdened with troubles as his pessimistic neighbour, but the troubles do not gain control over him. He remembers the pleasant things, the things which tend to support his faith in human nature and in God. He recalls the kind words which have greeted him along life's pathway, the good deeds which have enriched his life immeasurably, the friends who have cheerfully borne part of his burdens without thought of recompense, the sunny days which every season brought, the glimpses of heaven which he has had along every step of the way. A man cannot well become a pessimist if he continually cherishes the memory of the kindness which he has known every day of his life. He may forget the disagreeable, mean things, but he remembers always the brighter side of life. He walks on the sunny side of the street in his thoughts, and this makes him a confirmed optimist. Isn't this something like walking in the light as God is in the light?

Keeping Lent

"LET me keep Lent,
Let me not kneel and pray,
Forego some trifle every day,
Fast and take Sacrament—
And then
Lend tongue to slander, hold an ancient grudge, deny
The very Lord whom I would glorify.
Let me keep Lent,
Let me keep Lent,
Let my heart grow in grace,
Let thy light shine till my illumined face
Will be a testament
Read by all men,
That Hate is buried, Self, crucified—new born
That spirit that shall rise on Easter morn.
Let me keep Lent."
—The Seminar Quarterly

NEXT SUNDAY'S LESSON

10. March 5. Ephesus, a Centre of Christian Influence. Acts 19: 1, 8-10, 18-20; Ephesians 4: 25-32.

MEMORY SELECTION: Be strong in the Lord and in the power of his might. Ephesians 6: 10.

HOME READINGS

M.	Acts 19: 8-12.	The Scene of Paul's Greatest Work.
T.	Acts 19: 13-20.	Truth Overcoming Error and Superstition.
W.	Acts 19: 23-32.	Power Against Iniquitous Business.
T.	Ephesians 4: 17-24.	Put Off the Old Man.
F.	Ephesians 4: 25-32.	Living Like Christians.
S.	Ephesians 6: 13-20.	Equipped to Fight Against Sin.
S.	Isaiah 55: 6-13.	The Power of the Word.

England's Great Mansions Pass Away

By DONALD SHIER

CENTURIES-OLD Castle Ashby, near Northampton, joins other great English mansions, such as those of the Earl of Derby and the Duke of Sutherland, in being opened to the public—for a price. Lord Derby recently announced that nearly fifty thousand people paid a total of £5,500 (about $17,000) to view rambling Knowsley Hall in Lancashire last summer. The four-hundred-year-old showplace, the Earl says, is now a "going concern."

Perhaps few incidents more graphically portray the change in the British order of things than this dependence of some of the mighty mansions of England—once the castles of feudal lords who owned all they surveyed—upon the half-crowns of sightseers. The Marquess of Northampton, owner of Ashby, quite frankly admits that he can no longer afford the upkeep of the vast house in any other way. Many owners of other once-great landed estates have been forced to sell or close their mansions.

"Since William rose and Harold fell,
There have been earls at Arundel."

runs an old ditty, which indicates how permanent and unalterable the great feudal successions were once considered. Until our own day, indeed, the Duke of Norfolk, Britain's premier peer, might be seen at times near Arundel, driving in his state coach with powdered footmen, even as his forefathers had done for centuries.

With their armies of workers, their villages and woods and quarries and farms, some of these landed estates retain many of the features of self-contained principalities. But for generations now they have been disappearing, one by one—a process of change greatly accelerated by the two great wars and their aftermaths.

"We shall all be poor together," Britons philosophically said during the last war. Even then they knew that the monetary cost of victory could not help but impoverish the nation. But the poor man had the consolation of knowing that, perhaps for the first time in history, the wealthy bore their full share of the burden. And the erstwhile rich, their fortunes shattered by staggering taxation, regard comparative poverty as a reasonable price for freedom.

Surtaxes, succession duties and other levies make it practically impossible, economists tell us, for the "richest" Briton to have an income of more than a few thousand pounds a year, for his own use.

Thus, to maintain a great country house in the style of former generations costs far more than lord or prominent commoner can obtain now, from either his land or other earnings. At Chatsworth the Duke and Duchess of Devonshire, for instance, used to think nothing of housing four hundred and seventy week-end guests under one roof—at a cost of several thousand pounds. The services of hundreds of men and women were required to staff such a mansion.

There just isn't that kind of money left in the Old Land nowadays—to say nothing of the difficulty in obtaining the help. So war and its aftermath have been levelling the social scale. When the "millionaire" and milord could get no more rationed foods or clothing coupons than the working-man, a new brotherhood of sacrifice began to unite the country in the mighty effort: first, to win the war, and now, to win the peace.

Centuries Old Castle Ashby is Now Open to the Public

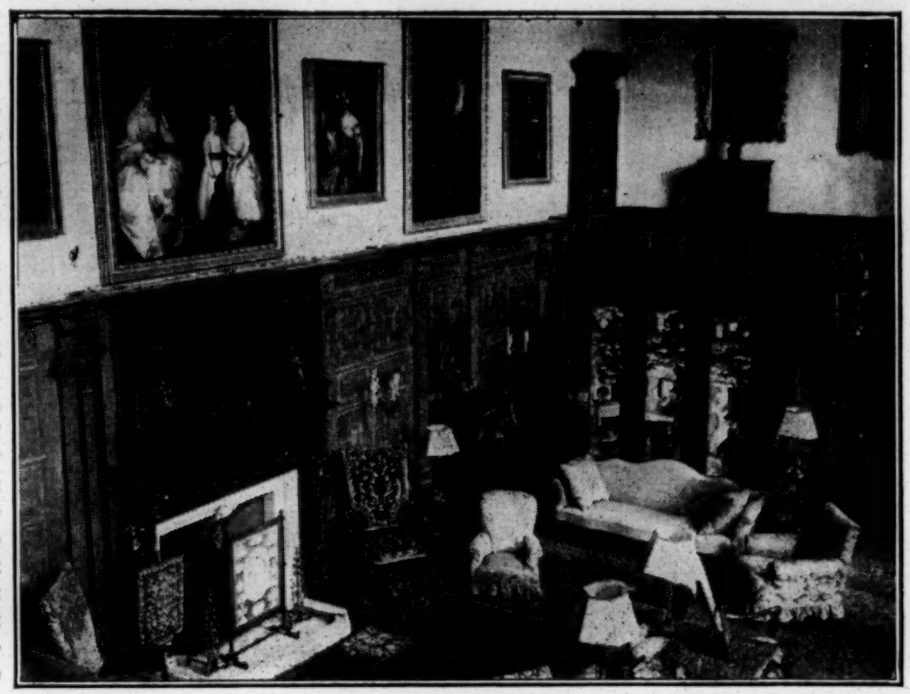
Human nature is gregariously inclined, and as each of the country manors closes, its neighbours are left a little lonelier. Thus the process is accelerated. Most folk have to be born to "country life" really to enjoy it. In former times the lord or squire of the manor centred his life there. To manage the estate was his career—and usually, to his credit, he did it well. But the city family of recent times who had the money to buy a country estate regarded it rather as a hobby, and seldom made it pay financially, even before economic changes made that feat more difficult.

What is to become of the great houses and manors of yesteryear? Some of the more splendid, or those of historical interest, have, or will be, preserved as national monuments or as public institutions. Among those, according to recent reports, is to be Cliveden, seat of Lord and Lady Astor. The famous couple have expressed the wish that Cliveden be used, after their death, by the National Trust, to further international understanding, especially between Great Britain, the United States and the Dominions.

The manor of Ashby dates back to the time of William the Conqueror, and was acquired from the Earl of Kent in 1512 by an ancestor of the present Marquess of Northampton. The castle, begun in 1574, is itself an historic dwelling which might well be considered as a

national memorial in the future. Queen Elizabeth was among its distinguished guests, as was James I. In the household records it is stated that in 1616 the castle employed eighty-three household servants, three musicians, four chaplains, and "the Gardener of Ashby"—doubtless with scores of assistants.

Interior views, showing magnificent chimney pieces and other decorations representing the labour of many artisans, indicate the kind of splendour that was characteristic of the homes of the great in former generations. The passing of such great houses, as the new order displaces the old, may cost England something of the romance and colour of long ago. But no doubt most of the throngs of folk who visit Ashby Castle will reflect that lovely as they were, these great mansions represented a concentration of wealth and power in the hands of a few, which could not be reconciled to modern ideas of democracy and social justice.



In Previous Ages Kings Were Entertained Here

The Growing Tree and a Piece of Paper

By ALBERT N. HOLMES

IN a garden across the street from my study is a beautiful and sturdy maple tree. Some mornings I see it limned against a quiet sky in symmetrical poise: at other times I see it shaken by the tempest, its branches waving violently in struggle, its sinuous and supple trunk bending, swaying and recovering its balance like a young athlete in physical combat. On one such occasion my attention was drawn from the tree to a piece of paper blown about the street. Vagrant gusts of wind would catch up this bit of paper and whirl it through the air and deposit it in my garden; but in an instant it would be caught up by another gust and blown back into the street. Back and forth, hither and thither it was carried by the capricious wind, while at the same time my sturdy young maple, though shaken by the tempest, gathered strength and grew.

Nature can do nothing more for a piece of paper than blow it about, saturate it with rains and make it brittle with the sun and heat until it decays and is blown away like dust. But with a tree whose roots are deep in the earth and whose branches reach up into the sunlight, Nature can fashion a thing of beauty and usefulness. Rain and sun, wind and calm, all help to build the tree in strength and beauty.

We, too, must be deep-rooted in some central, dominating interest or purpose round which our lives become integrated. If we permit ourselves to be swayed by every capricious and vagrant thought and emotion, we shall become like "chaff which the wind driveth away." Forces that make for growth and development may be all about us but cannot work through us. They cannot build us up; they can only break us down.

A man who thought of prayer only as asking God for things once came upon a man praying.

"What are you asking God for now?" he asked cynically.

"I am not asking him for anything just now," was the unexpected reply. "I am just trying to 'clutch in' with God's purpose. His power will do the rest."

An ambling engine uses gas and will wear out in time, but it accomplishes nothing in the way of useful service. It must be clutched in to gears that transmit its power to a drive shaft, saw or mandrel. Lives that do not accept a purpose and task in life are like ambling and racing engines that use up energy to no useful end. A useful, happy life is one that discovers and yields to God's will and purpose. Through him flow the powers that make for growth and development and real achievement.

White Silence

By W. H. FRASER

DEEPEST calm in any world
Is a field of snow;
There we saw it . . . dreams unfurled,
Scenes of long ago.

Friendly home and winter night,
Moonlight, shadow charm. . . .
Nature spreading robes of white
Over town and farm.

Breeze to sing, and cloud set sail
For that stage below;
With a star to guard the pale
Silence of deep snow.

NATURE, SCIENCE AND INVENTION

The Covered Bridge

COVERED bridges may be outmoded in many places, pushed aside when roads were straightened and widened. But they are by no means a forsaken method of building. They are very practical in areas where there is an ample supply of cheap timber, as in New Brunswick and Quebec.

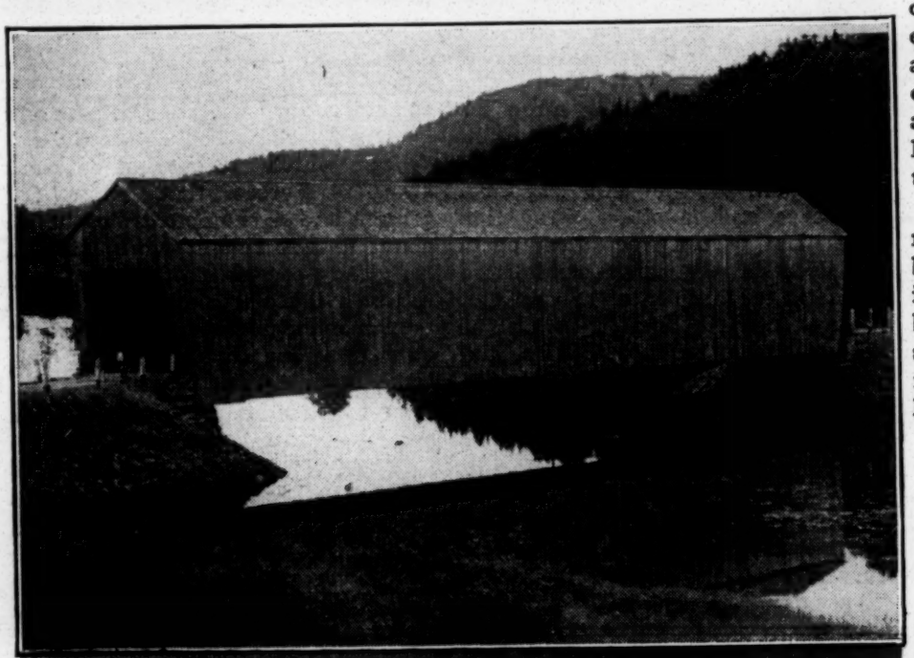
New Brunswick, in fact, builds two or three covered bridges each year, and had in 1948 some twelve miles of covered bridging. It claims to have more covered bridges than any other place in the world. Certain it is that the Hartland Bridge over the St. John River is the longest. Its nearest rival, in Switzerland, is some four hundred feet short of Hartland's twelve hundred and eighty-two feet.

On the contrary, Nova Scotia's covered bridges have been reduced to three in number, and Ontario has only one left.

The wooden bridge is cheap in comparison with steel bridging. It is also economical in upkeep, for planking may be replaced more easily than steel girders. Both types suffer much the same during flood conditions, depending upon their substructures.

The sides and roof of the covered bridge are not merely rustic or ornamental. They serve the very practical purpose of protecting the timbers from weathering and decay. Compared with replacing a truss, a little repair work on roof or side-sheeting is nothing.

The wooden "house" also strengthens the structure, and keeps the overhead bracing from leaning. "For protecting costly framework against decay, thus assuring greater durability, and to stiffen it against the gales," is how the old-timers phrased it in the Minutes of their Council meetings.



The Hartland Bridge, Over the St. John

For that reason, too, they limited the speed of the traffic. "Walk your horses" was over the portal arch on one New Brunswick bridge, and probably many more. A farmer could be fined for trotting his team over a covered bridge.

In earlier times, the interior of the shed was posted with notices of auction sales, coming circuses, religious meetings, or of a Box Social to be held in the schoolhouse. These signs were sure of being read. Youngsters on their way home from school played in the bridges. Farmers meeting there with their wagons paused to chat, or wait for the rain to blow over. Young people drove slowly through its dimness—or halted.

In fact, these came to be known as "kissing bridges", and many a young swain in the horse-and-buggy days took advantage of the cool darkness. Hardier characters did, too, and darkness in more than one covered bridge was a cloak for robbery and even murder.

That brought about the shutters or lattice effect sometimes seen, and eventually lights. Sometimes these are electrically powered. More often, a couple of lanterns are hung at either end of the bridge. A young lad or old man is usually hired for this office.

But the highway patrolman is responsible for seeing that the bridge is "snowed." Far from having to shovel snow off the covered bridge, it is necessary to carry snow in to cover the floor, so that farm sleighs will not be stranded half-way across.

"Fido" Helps Air Travel

AIR travel, statistics show, is as safe as other ways of getting from one place to another; but is it dependable? Not always, passengers say, until planes are able to take off and land on schedule in spite of adverse weather. At the great Los Angeles airport, for instance, handling one million two hundred thousand passengers a year, traffic is often shut down entirely by ocean fog. To cure this, Los Angeles is installing an all-weather landing system to ensure arrivals and departures on schedule. Heart of the new landing system is a FIDO ("fog intensive, dispersal of") installation that burns away the fog and makes the runway an island of good visibility, even in "zero-zero" conditions. FIDO was a British wartime invention and has been considerably improved since then.

Triumph of First Jet Airliner

BRITAIN'S De Havilland Comet, the world's first jet airliner (Canada was a close second), in its operational tests achieved height and speed never before reached by a passenger plane. At Hatfield, it reached a speed of four hundred miles per hour at a height close to seven miles (thirty-six thousand nine hundred and sixty feet) with weights strapped to the seats to simulate a full complement of passengers. Officials said the test shortly would go a stage further and have the ship at a height of forty thousand feet, doing close to five hundred miles per hour. Experts believe that if the Comet's development flying continues as smoothly as it has begun, she may be in service on British Overseas Airways Commonwealth routes in 1951.

Nature School

IN the heart of Montreal's famed Botanical Gardens is one of Canada's most unusual classrooms. It has ninety pupils, the oldest being seven years old, the youngest four. And already they know more about Canadian nature than most adults. For one hour a week these young Montrealers study such subjects as the care of turtles; the songs of the robin, the sparrow and the oriole; identification of poison ivy; and the barks and leaves of Canadian trees. Marcelle Gauvreau, well-known botanist, calls her class "The School of Awakening." She believes the children will be better citizens in future because of their knowledge of the outdoors.

Birds That Build Houses

MR. A. J. MARSHALL, an Australian zoologist appointed to London University, has secured permission to take a dozen blue-black satin bower birds from New South Wales to join the eight already in London Zoo. The birds are so-called because they build bowers or houses. They make a floor of sticks or twigs and then set up two "walls" of sticks bent over to meet at the top but leaving a runway between. The bower birds decorate these "houses" with brightly - coloured objects. Some specialize in blue things—flowers, bits of blue cloth or the housewife's blueing bag. Others like yellow or green.

College Life in the University of Miami, Florida

College Life in Florida

ONE of the fastest-growing universities in the United States is in the midst of a gigantic building programme which involves the moving of the entire campus to another site. This is the University of Miami, whose pre-war enrolment of about twelve hundred students has grown to nine thousand. One of the youngest of the major colleges of the South, Miami was established as a university only in 1926, and until recently functioned in one of those highly ornamented, coloured stucco hotel buildings which multiplied like mushrooms during the Florida boom period. When depression came to Miami, the hotel owners were glad to dispose of the huge, triangular hotel, built around a landscape patio and topped with an observation dome, to the young and growing college. These quarters proved inadequate, however, with the great influx of students following the recent war, and the University of Miami purchased a new, spacious property in suburban Coral Gables. Modern architecture with the latest developments in scientific lighting and ventilation is being employed in the new buildings, the entrance to one of which is here shown. Who would not like to be an undergraduate at Miami, with such beautiful surroundings?

The University of Miami has many faculties but has won special recognition in music and marine zoology. The college's symphony orchestra and symphonic band are well known in the Southland. Zoology students have the wonderworld of tropical waters practically at their front door. For a number of years weekly trips to the seashore, to study marine life from diving hoods, have been featured in this course. The university, so close to Caribbean lands, also stresses the importance of Pan-American relations. The Latin American division offers special courses in the history, geography, political culture and commercial development of the lands to the south of the United States. The world position of the American republics and business training for those engaged in Pan-American trade are studied. Each winter a Pan-American forum is conducted for several weeks to acquaint the student body in general, and visitors, with Pan-American affairs. Student exchanges between Miami and South and Central American colleges are arranged, while educators from Latin-American lands supplement the resident faculty in offering courses on these subjects. No doubt the Latin Americans feel quite at home at Miami, where climate and architecture is not greatly different from that of home.

NEAR and FAR

News and views from everywhere.

In 1947 the United States spent $6,507,000,000 on medical care, insurance and supplies—and $9,640,000,000, on alcoholic drinks. Another $3,880,000,000 went up in tobacco smoke.

•

The inscription on the Thomas Jefferson memorial is for ever timely. It reads: "I have sworn upon the Altar of God hostility against every form of tyranny over the mind of man."

Recently the Czechoslovak Bible Society held its first meeting. The society has taken over the work in Czechoslovakia which was done for many decades in that country by a branch of the British and Foreign Bible Society.

The latest merchant ships built at the famed Scottish shipyards have a separate cabin for each seaman, with hot and cold water, desk, armchair and bedside lamp: a far cry, indeed, from life "before the mast" in former times.

The Evangelical Church of Czech Brethren has set up a committee for foreign missions. So far the church has only one field worker, in French Equatorial Africa, but theological and medical students now being trained will probably go to Indonesia.

The United States claims the world's largest rosebush—at Tombstone. A white Banksia, about fifty years old, the giant has grown from one trunk, now over forty inches in diameter, to a height of eight feet, and an estimated one hundred and fifty thousand blooms cover it in May.

David Livingstone's pocket notes, the basis of his "Last Journal", a set of six autograph field maps and other precious manuscripts concerning modern history's most celebrated missionary have been found in an Edinburgh attic. They have been presented to the Blantyre memorial through the generosity of the owners.

A new X-ray machine at the research hospital of the University of Illinois concentrates twenty-two million volts on the patient as compared with the maximum of two million formerly regarded as tops. The rays are said to reach deep-rooted cancer without injury to healthy organisms, and give new hope for progress in treatment.

The Australian Broadcasting Control Board has ruled that all commercial stations must give at least one hour each Sunday to a religious programme, including when practicable a church service; that all denominations be given fair treatment in allocating time; and that no charge be made for broadcasts included in the hour reserved for religion on Sunday.

When the Roll is Called Up Yonder

(Continued from page 131)

he's got scales on his eyes. Now, Lord, I want you to take them scales off. Do it anyway you want to, Lord. Reason with him if it's reason he's got to have. I'm not smart enough. I can't argue with him no more, God, because he's a college man now, Lord, and I'm still just the way I'll always be. So reason with him, if you've got to do it that way. But if that isn't going to be enough, why, then I guess you'll just have to do as you did with the blind man way back yonder. You'll just have to spit on him, Lord. But make the scales to fall off his eyes, Lord! Please, Lord. You got to! Amen."

All that week John came down to the creek bank and there, with nothing to come between him and his God, he prayed the same thing. The last night he suddenly felt light and happy and confident. He didn't know exactly why, but he said, "I believe I've got the victory. I believe you're going to do it! Thank you, Lord. Thank you."

Bud came home from the lake the day they took the binder out of the shed and all though the next two weeks he and John worked side by side in the fields. Sometimes the thing John wanted to know burned like a fever within him and he felt like stopping the horses and getting down off the load to talk about it in the shadow of a stook. But he didn't. That wasn't the way. He said, "I'll not mention a thing. I'll leave it up to him. When it's time, he'll tell me."

Then one day the harvest was over and Bud was standing on the back porch with a little half-filled grip dangling from his brown hand. His mother's eyes were red again and this time it wasn't for joy. Bud was going to join the ship. John, in the background, leaned heavily on the pump and the same thing was burning at his heart again. The Cape was a rough place. A man could easily slip off a rock, or go over in a gale, or—O God! he couldn't stand it like this. He had to say something.

Then he thought of that last night at the camp meeting and the sweet assurance that had been his, the knowledge that everything was going to be all right. Hadn't he left everything to Someone higher than he? Yes. . . . It was all up to the Lord now. Not him. So when it came time to say good-bye he just said, "Good luck, son. Drop us a line when you can. We'll always be proud of you."

Autumn went out with an angry gust of rain and sleet rattling the dead leaves and once again gnarled grey limbs poked bleakly into gnarled grey sky. The snows came and in the warm stable the cattle and sheep clanked lazily at their chains now or grunted with fullness. In the kitchen John and his family denned themselves up for the long, cold evenings, and while the storms roared in the pipe and the oven reeked of drying spruce, they ate russets and amused themselves. Sinless card games of Lotto or Old Maid. Sister at the organ. John telling stories with a silent child on each knee. Finally the evening Scripture and the simple prayer before the cold trek up the dark stairs to bed.

After a while, spring. And before they knew it, summer had come and it was camp-meeting time again.

He didn't see the big car at the pasture gate until the dog began to bark. He looked up and his jaw dropped. It was the long yellow roadster and behind it was the "Gipsy Queen", the fabulous house trailer with the four wheels. "It's Van," he said half aloud. "Probably on the way to the lake again. Parked here for the night,

or maybe he's dropped in to argue with me again." He went up. The trailer was open. But it wasn't Van who said "Come in!"

It was Bud.

And it was Bud who did the talking. John couldn't. "We pulled in so late last night we decided not to wake you up, Dad. You see, Lucille and I were married the day I hit port and this is our honeymoon. I guess maybe it would have been more polite to tell you these things, but we wanted to surprise you."

"That was my idea, Dad." It was Lucille who spoke. John blushed. A beautiful girl like that, a rich man's daughter, a college student, calling him Dad!

John's congratulations were as wholehearted as they were awkward and after that ordeal was accomplished he said, "And Van lent you this ship for the big event? What a boat! Look at that mahogany!"

"Lucille bought it, Dad. It's ours. We thought it would be just the thing to take to camp meeting."

"Camp meeting?"

"It's just about time again, isn't it?"

"Camp meeting, son? You're going to camp meeting?" John wondered if he could keep his eyes dry. "What made you decide that way, son?"

"Remember me saying I had to have a scientific religion or none at all? Well, seemed to me that Van had all the arguments that day—that his was the scientific way to look at things. But it couldn't have been, because it didn't work out. Van and his wife got a divorce last month. What's more, Van got into trouble playing the horses on the firm's money. That's why Lucille bought the car and the trailer. Van had to have money. . . . And anyhow, Dad, I decided a lot of things when I was down there away from the rest of the world, and I decided I wanted your kind of home when I got married. Lucille's been thinking that way, too, I guess. That's why we're here."

Lucille came over and stood behind her husband and put her hand on his shoulder. John said, "Awful glad you figured it out that way, son. Awful glad." Then he felt a choke coming up his windpipe and he wished to goodness he had a clean handkerchief in his pocket. He couldn't stay here. He was too full up. He didn't want to make a fool of himself in front of a college woman especially. He stood up.

"Got to get the cattle," he said. "I'll be back in a few minutes and then we'll go to the house together. They'll be plain crazy when they find out you're here."

He went outside and picked up his willow gad.

The sun was climbing through the low limbs of the eastern trees and in the bright places of the lacy shadows, the gossamer hung heavy with dew. It was a wonderful morning to sing, and when he was a little distance from the trailer, he let it out till it rang away out across the pasture and the echoes came floating up from the swamp beyond, mixed in with the tinkling bits of a thrasher's notes.

On that bright and cloudless morning
When the dead in Christ shall rise
And the glory of his resurrection share,
When the saved of earth shall gather
To their home beyond the skies:
When the roll is called up yonder,
I'll be there.

And the cattle in the mist of the far alders, heard, and began lowing in answer as they turned to meet him.

Think This Over

NOT all slogans work or are workable. This, I think, is: "Not who's right, but what's right!" That may be used in a thousand relationships.

College Boys as Big Brothers

Lafayette College, at Easton, Pa., has developed something that students in colleges might properly follow. Here is the news note:

"An experiment with juvenile delinquents initiated by a group of Lafayette College students has developed into a club for underprivileged boys sponsored by the Easton Junior Chamber of Commerce in Easton, Pensylvania.

"Last spring, twelve Lafayette students, all members of the Zeta Psi fraternity, took under their wings twelve boys who had been in trouble with the law and were classified among the 'hardest' of juvenile delinquents.

"Probation officials saw little hope for the boys, who had roamed the streets, stayed away from school, and committed many petty larcenies.

"The college of students became 'big brothers' to the boys. They invited them as guests to the fraternity house several days each week, played games with them, and talked with them. College officials state that the delinquents 'became better boys and none of the dozen has been in trouble with the law since.'"

Marriage Note for Young People

"Marriage is not a destination—it is a journey."—*Paul Popence*

A Recipe from Kingsley

"If you want to be miserable, think much about yourself—about what you like; about what you want; what respect people ought to pay to you, and what people think about you."

An Australian Comment

In a *Primer in Dietetics* there is this sentence: "From a purely physiological standpoint, there is no defence for alcohol; it is a poison and any pleasure derived from it is short-lived and paid for heavily." One also would do well to remember the scripture: "At last it biteth like a serpent and stingeth like an adder."

Augustine says

"Pride which first overcame man, is the last thing he overcomes."

AROUND THE WORLD WITH A CAMERA

ROUGHLY speaking, Patagonia comprises all of the mainland of South America, with Tierra del Fuego and satellite islands, lying south of Bahia Blanca. That Argentinian city in turn lies some four hundred miles south of Buenos Aires. From the capital, the traveller may take a regular passenger plane, and within twenty-nine hours—which includes a ten-hour night stop-over—step out at Rio Grande in Tierra del Fuego, the austral counterpart of Canada's northern barren lands. Here the passenger reaches a point thirteen hundred miles farther south than can be reached by regular plane schedule anywhere else in the world, the latitude corresponding to Indian Harbour in Labrador.

Like the islands south of Magellan Strait, most of mainland Patagonia is a bleak, semi-arid and uninviting land. Towards the Chilean border, formed by the main divide of the Andes, wooded hills rise higher and higher, and here is some majestic mountain country which is being developed as an important playground and vacationland. Between the Atlantic and the foothills, however, is a series of huge plateaus, deeply eroded, and rising in a succession of escarpments each about three hundred feet higher than the last. A few rivers, ice-born in the Andes, thread their way eastward. But the windswept, inhospitable land receives a low average rainfall, and is both colder and less fertile than the pleasant pampas to the north. The vegetation on the Patagonian tableland becomes sparser as one nears the Atlantic, where the bleak winds are most severe. Trees are few, and even the grass is sparse, too much so for cattle ranching such as makes prosperous the northern and central provinces of the Argentine. Here in the south only the hardy, less fastidious sheep can thrive and prosper. At the Atlantic shoreline, in one of the loneliest spots in all Patagonia, this mounted shepherd—great distances on the sheep ranches make walking out of the question—watches his newly-shorn flock.

In spite of its inaccessibility, the Andean region of Patagonia was explored at an early date, owing largely to the fabulous story of a city set among mountains of gold, told to one of Cabot's captains by an Indian chief. Centuries of fruitless search, and constant battles with the Indians, followed. Most of Argentine Patagonia lies remote and almost isolated from railways, roads and other means of transport. Minerals and oil give promise of potential wealth, and greater development may come, as in Northern Canada, through air transport.

South Africa

September 14, 1950

Donald Grant, Esq.
17-A Great Ormond Street
London, W.C. 1, England

Dear Mr. Grant:

That was very kind indeed of you to send me the articles from the "Times" about South Africa. I read it all last night and learned quite a lot. A queer way the "Times" has of conveying much by juxtaposition, by omission, and by the wry mention.

The people who run the South African Institute of Race Relations are in this country now -- Mr. Quintin Whyte and his wife. We hope to see them later this month in Atlanta. I have read also the New Statesman's recent cautions that explosions are a-coming.

I don't know what thing it is deep down in Anglo-Celto-Teutono people that makes so few of them able to treat everybody else as equal. The answer to it all is in recognizing merit and talent wherever it appears and rewarding it with friendship and dignity.

Please write us again.

Sincerely,

George S. Mitchell
Executive Director

GSM:er

Exec. Dir.

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WESTERN UNION

W. P. MARSHALL, PRESIDENT

1201

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GEORGE S MITCHELL, SOUTHERN REGIONAL COUNCIL=

:63 AUBURN AVE NORTHEAST ATLA=

:GLAD TO SEE YOU ELEVEN OCLOCK FRIDAY TWENTY SECOND=

:EMORY ROSS=

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THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

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PD. Southern Regional Council, 63 Auburn Ave NE, Atlanta - WA 7963

September 15, 1950

DAY LETTER - PREPAID

Mr. Emory Ross
Foreign Missions Conference of North America
156 Fifth Avenue
New York 10, New York

Shall be in New York September 21 and 22. Are you available, and when?

George S. Mitchell

Foreign Missions Conference of North America

156 FIFTH AVENUE NEW YORK 10, N. Y.

TELEPHONE CHELSEA 2-3230

CABLE CODE: MISSIONS
CABLE ADDRESS: "FORMISCON, N. Y."

September 13, 1950

Dr. George S. Mitchell
Southern Regional Council
63 Auburn Ave., N.E.
Atlanta 3, Georgia

Dear Dr. Mitchell:

I am most appreciative of your note of September 11th.

Mrs. M. E. Tilly told me that you were out of the city while I was in Atlanta, which I regret.

Please don't fail to let me know a little in advance of your next visit to New York, and indicate, if you will, what would be a convenient time for a visit.

Faithfully yours,

Emory Ross

September 27, 1950

VIA AIR MAIL

Mr. Emory Ross
Foreign Missions Conference of North America
156 Fifth Avenue
New York 10, New York

Dear Mr. Ross:

Many thanks for your instructive conversation the other day.

I have talked with Mr. Rufus Clement, President of Atlanta University, about the possibility of holding in Atlanta a meeting late this coming winter on African matters. Mr. Clement was enthusiastic and offered the services of Atlanta University for meeting rooms and for housing a limited number of delegates, etc. He thought it of great importance to hold such a meeting in a representative Southern city.

If the proposal seems practicable, I do hope you will be early in touch with Mr. Clement in order that dates can be worked out.

For a variety of reasons, some of which you and I discussed the other day, it seems desirable to draw together and strengthen the interest in the South in African matters. I should like to add my own and my Council's warm hope that it will be feasible to center such a meeting in Atlanta.

Sincerely,

George S. Mitchell
Executive Director

GSM:er

Africa

THE UNIVERSITY OF CHICAGO
CHICAGO 37 · ILLINOIS
DEPARTMENT OF GEOGRAPHY

RECEIVED
JUL 13 1951
Southern Regional Council, Inc.

July 10, 1951

Mr. George S. Mitchell
Executive Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Mr. Mitchell:

Thank you for your letter of June 28th. The reports Professor Fawcett referred to are part of a continuing series that the foundation I am associated with--The Institute of Current World Affairs--has been distributing to a limited group of Americans interested in African matters. I began the series in East Africa, there is one from South Africa, and there were nine from West Africa. Some of them have been published in revised form in the Geographical Review and the British publication West Africa.

If you write to Mr. Walter S. Rogers, Director, Institute of Current World Affairs, 522 Fifth Avenue, New York 18, he will probably send you copies.

May I close with a word of encouragement for your own work. Next time you are in Chicago I would very much like to hear about it from you. We may have also some areas of mutual interest in African affairs.

Yours sincerely,

Edwin S. Munger

Edwin S. Munger
Research Associate (Asst. Prof.)

Hotel National
1808 EYE STREET, N. W.
WASHINGTON 6, D. C.

Harold B. Morris, *Manager*

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NAtional 6866

9 Nov. 1951

Dear Mr Mitchell,

As requested I enclose a copy of my little article stressing the need for the study in this country of Africa and its relations with the world. Indications from Morocco, the Protectorates in the Union, Egypt and the Sudan, Nigeria and elsewhere emphasise the need for a good look at the Dark Continent.

I am grateful to you for helping me get a glimpse of the South, I only regret that I did not see the old plantation and coastal belts. Hope all goes well with you and your work, keep an eye open for news from Africa, as long as Alex Campbell is "Time" correspondent there'll be something in that magazine.

Yours very sincerely,

Graham Young

Encl.

P.S. Other people interested in Africa are Stanford, (Mr Robert North) Paul Walter (U. of New Mexico. Sociology) North Western, Berkeley (Mr Lipson)

Africa

Will the West lose Africa ?

At a time when events in the Far East are occupying much of the thought and energies of the United States, when this country is bearing the brunt of the Korean war, and has taken the lead in restoring Japan as a counter-balance to the power of China to speak of Africa is to be a voice crying in the wilderness. Events in the Middle and Near East which focus attention nearer home are also naturally more important than Africa itself as they might expose the throat of that undefended Continent to attack.

Nevertheless Africa has to be watched. It is not likely that the successful efforts of Indonesians, Burmans, Iranians, Indians and Chinese to drive Western nations out of their privileged positions has passed unnoticed in Africa. If there is one factor common to the peoples of this continent it is the growth of nationalism even though they may not know the meaning of the word. Fundamentally it is part of a world wide urge for independence and racial self-respect and the enjoyment of the material benefits of Western civilisation. Over most of Africa this resolves itself into a struggle against European Powers who in the days of colonial expansion obtained control of various parts of the Continent , but in three areas the problem is complicated by the presence of minority racial groups who not only have made these countries their homes but have been largely responsible for what they are to-day. Kenya, the Rhodesias, and the Union of South Africa are inhabited by white men who have introduced law and order, a modern economy, health services, and the civilising influences of church and school. The same kind of development has taken place in French, British Belgian and Portuguese colonies but these territories are controlled more closely from the home country and the white officials, traders, missionaries and business mendo not for the most part intend to give up their homeland permanently.

Another minority group, the Indians have built up a trading community in the three territories of the British Commonwealth mentioned above and are to be found in most of the small towns and villages of Natal and the Transvaal in the Union. Now that Africa has been awakened by the impact of the forces of Western civilisation it is no longer content to remain politically weak , economically inferior and socially outcast. While the coming struggle in the colonial territories may end comparatively peacefully with the return to their own lands of the white administrators, traders and businessmen, this solution is

impracticable for the farmers ansd settlers of the independent or semi-independent countries. To the African this is not an important factor, to the white man in these countries it is the over-riding consideration. Many Americans remembering their own history and guided by humanitarian instincts and a belief in the sanctity of numbers would be inclined to applaud the struggle for freedom of African peoples, but the recent history of the East has shown that inexperienced Nationalist governments occupying areas which are strategically or economically valuable are extremely vulnerable to external aggression or internal disorder. If the white man in some way or other lost control of Africa there would be a danger that the Western world would lose ,at least temporarily, raw materials which are desperately needed, justnas they have lost rice, rubber, tin and oil in the East. There also valuable strategic points have been jeopardised- Korea, Suez, Burma- from which a potential enemy could more easily attack. While Africa south of the Sahara is not as important strategically as these other areas, its harbours, roads, ports, food, raw materials, and labour would be invaluable for defence in depth, counter-attack and supply. If the worst were to happen and the resources of the Far East were to be denied to the West because of political changes, conquest or the needs of India, Japan, Australia and others a serious situation might arise. Africa can and does produce oils, metals such as cobalt, chrome and manganese, wool, cotton(in the Sudan) hides and skins and many other commodities. She could certainly produce more. Her harbours supply food, water coal and repair facilities and these services could also be expanded.

The question might be asked whether there has been any change since World War IIwhich would make Africa less valuable to the Western world than it was then. To answer this question it is necessary to draw attention to some changes which though reported in the world press have not perhaps been evaluated from the point of view of their possible effects.

I. The accession to power in 1948 of the Nationalist Government under Dr Malan in the Union of South Africa

2. The granting of practical self-government to the people of the Gold Coast.

3. The banishment of Seretse Khama from the Bechuanaland Protectorate.

4. The publication of a report by responsible officials of tentative proposals for a Central British African Dominion i.e.autonomous.

When General Smuts was defeated in the elections of 1948 and when later the brilliant Liberal Cabinet Minister Mr J.H.Hofmeyr as well as DR. VAN DER BYL the non-party creator of the South African Iron and Steel Corporation and the Electricity Supply Commission died within a short period of each other it was clear that an era had ended. Although Smuts in his home politics was conditioned by public opinion and was never the emancipated figure of Versailles and San Francisco it seemed near the end that he was moving towards a greater recognition of African demands for political representation. Hofmeyr who was to have succeeded him would have gone further. With the advent of a new government there was put into law as soon as possible a policy which though rooted in the past was the fruit of years of thought and planning on the part of those who had so long been in opposition. This policy called"Apartheid" or " separateness" by its supporters and " segregation " by its opponents has been embodied in legislation designed to leave as few loopholes as possible. The Group Areas Act provides that the different racial groups European, Native, Coloured and Asiatic will live and work in separate areas of the cities. In a sense the other legislation is complementary to it. Marriage between white and non-white is now prohibited by law where formerly only the sanction of custom kept it to a minimum. Identity cards which indicate the race of the holder are to be issued to everyone in the country. The last non-white voters on the common roll -the Coloureds-(people of mixed race, Malays etc) have been removed and given compensatory forms of representation. Native artisans such as builders and carpenters are now forbidden to work in white areas but may be trained to work among their own people.

So far the effects of this legislation are not particularly noticeable in South Africa which has always had a pattern of segregation. The results in the rest of Africa were profound. The legislation together with the speeches of Cabinet Ministers on the necessity for " baasskap" -overlordship or mastership- of the white man served notice on Africa that in the South the white man was there to stay, and that if the black man was to advance progressively towards independence and a higher standard of living it was to be in his own areas where he did not compete with the whites.

No matter what the sacrifice or the economic distortion involved - for of the native population of about 7 million roughly a third live in the towns and a third work on white farms - this policy it was proclaimed would be carried out.

2. While these developments were going on in the South an exactly opposite process has been speeded up in the British colonies reaching furthest on the Gold Coast. Here for the first time in Africa a Colonial Power has handed over the substance of governing power to an assembly of Africans, some elected and some representing chiefs. The results are not yet visible and there are still reserved powers in the hands of the Governor but the news has spread through Africa like wildfire . The colonies of Britain, France Portugal and Belgium will never be quite the same again an example has been set.

3. At the time of the setting up of the Union of South Africa provision was made for the eventual absorbtion in the new country of the three territories located on its North Eastern & North Wetern borders and in its centre . These territories are ruled nominally by chiefs under the old tribal system, but they are linked to Britain by treaties and are in fact administered like colonies. From the start the Union Government has tried to persuade the British Government to transfer control to it, only to be met by the seemingly unanswerable reply that this transfer is dependent on the wishes of the inhabitahts who have ot be consulted and that there is no sign of willingness on the part of the people concerned. For many years these territories languished economically owing to their poverty of resources but since the war large sums of money have been voted and a good deal spent on soil-conservat--ion, afforestation, schools, roads, home crafts, co-operatives and similar schemes. In Bechuanaland Tshekedi Khama acting as Regent of the leading tribe did much to bring his country along, and naturally aroused considered opposition from the more conservative members of the tribe and the affiliated tribes. Seretse Khama the chief designate was educated in England and while overseas married an English girl. After some opposition from the tribesman which was overcome he brought her out to rule with him. The British Government promptly deposed him and banned him from the

territory which is now being administered by officials of the British government. These dramat ic happenings had strong effects. The whites of South,Central and East Africa FELT that this was a good example of what happens to race purity and the supremacy of the white man when Africans are given equal rights and opportunities before they are ready for them. Many Africans on the other hand felt that the British Government had fallen into line with Dr Malan and the white settlers of Rhodesia. The end of the story is not yet in sight but it is not unlikely that the renewed demands by the Union for the incorporation of the Territories are spurred by the fear that Britain is not to be trusted adequately to maintain white supremacy in Swaziland, Basutoland and Bechuanaland.

4. The Seretse incident probably ha stened a move in Central Africa coming chiefly from white settlers in the two Rhodesias for Dominion status i.e.independence of Downing Street. Officials have now prepared a draft report which is being considered by interested parties for a scheme by which Nort hern Rhodesia (white men own and work in the mines and a number of farms) Southern Rhodesia(about 120,000 whites carrying on mining, tobacco-growing general farming and light industry) and Nyasaland (few white settlers, missionaries, officials) amalgamate to form a Central British African Dominion self-governing with the rights of Africans to representation guaranteed. If the plan is ever adopted and works a link with Kenya would probably be established and a viable state able to stand up to pressure of opposite kinds from Great Britain and the Union would come into being. Such a state would be very glad to include at least a portion of Bechuanaland Protectorate.

Apart from these political events the most striking thing about post-war Africa id the development taking place in the economic sphere. From the vast new goldfields of the Orange Free State and the steel town of VanderByl Park to the copper mines of Northern Rhodesia and the Belgian Congo, from the factories of Port Elizabeth and other Union towns to the hydro-electric scheme at the source of the Nilefrom coal mines, asbestos quarries uranium deposits, forestry and ranching comes an impetus which is changing the face and the character of Africa.

Add to this the new railway developmen t, the extension of airways, the improvements to roads, the immigration of settlers, and the progress of medicine and it is evident that the Dark Continent so long asleep in its jungles is slowly and painfully awakening. How much of this is known in the United States and how far does it affect American interests. There are not many placems in the world to-day where a struggle is not taking place for the minds and bodies of men. Possibly Africa is destined to be a "third force" linked to Europe through the Colonial Powers but if it is not it must align itself either with the Unites States or World Communism. It is and will be for a long time too weak to take an independent stand like India. At present there is little evidence to suggest that Communsin had made a great appeal to the minds of Africans nor has it been able to exploit nationalist movements for its own purposes. Sensible and far-seeing men however will realise that in Africa the Soviets have an opening which could be of priceless value to them in dividing the democracies, hampering the supply of war materials, and helpin g them to pose as the champions of the common people- 2" a peoples' democracy ! " Africa south of the Sahara is ruled by the British, Belgian, French, Portuguese, Rhodesianand South African governments, Liberia, the Gold Coast adn Abyssinia and perhaps in the near future Nigeria are self-governing native states. There is not and cannot be uniformity in the way these peoples are governed but where rights and freedoms are concerned what is done in one affects the others. Boundaries are drawn with no regard to natural resources or the wishes of the inhabitants. There are hundreds of tribes and languages in Africa who have little or nothing in common but they may be welded to-gether in opposition to what they consider a common enemy. It would be more than a tragedy if the white man was ever considered to be that common enemy. Who tO-day knows what is going on in Africa or has the knowledge to correlate happenings in various parts of the Continent. ? That there is a connection is evident from certain straws in the wi e.g white farmers in Kenya have been in touch with Dr Malan's government, Southern Rhodesia and the Union were at one over the Seretse incident, Kwame Nkrumah Prime Minister of the Gold Coast has warned the Union Government that his country is

vitally interested in the fate of the Africans in the Union, a native football team from Johannesburg playing in Elisabethville was accused of putting the local people in touch with certain racketeers in Capetown, a woman in South Africa renounced her white citizenship in order to marry a coloured man, white settlers in Kenya have proposed that any extension of political powers there should be confined to the aboriginal inhabitants i.e. excluding the Indians, India has made it clear that she is interested in the Indians of South And East Africa.

Has the time not come for a independent body with adequate resources and first class staff or a university similarly equipped to start a school of research into the inter-related problems of Africa and the world. ? A great deal of work has of course already been done on a score of separate subjects, and Lord Hailey's great African Survey has covered most aspects of Africa. But continuous work under one direction is needed if Africa is to become known especially in the United States. America in the past and to-day has done a great deal to help. The Phelps-Stokes Foundation provided South Africa with a great report on " The Poor White Problem" and other Foundations such as the Carnegie Corporation have given great assistance to Scholarship. There are schools in London and Institutes there and in the other " mother countries" for specialised studies. When decisions are to be made in the future by these powers they will be guided by thier own officials and the knowledge sma ssed by these scholarly bodies. If the U.S.Government is called in at any time to advise help or adjudicate it will be necessary not only for its officers to be well-informed, the American people will also have to be told what it is all about. Recent history in the Near, Far and Middle East has indicated that revolutionary events usually come as a shock to the public which is consequently ill-prepared and forced to support hasty emergency decisions which are sometimes too late. Africa is not lost to the Communists because they have not started on it, but it is not permanently won for the West. Ignorance has too long been taken for bliss, it is no substitute for real knowledge as the basis for policy.

Un, misc.

March 19, 1952

Mr. Emmanuel M. Unaka
Xavier University
New Orleans, La.

Dear Mr. Unaka:

Very nice to talk with you the other day.

The enclosed issue of our small magazine has an article by Emmett Murphy, who went to the Institute last summer at Northwestern.

And an earlier issue for March, 1950, has a list of colleges in the South which in '49 had African students.

I send you several copies of each of these. Do pass one of each on to our Gold Coast friend whom I sat by on Sunday.

Let me know if either of you comes to Atlanta.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec
Encl.

Murphy (new file)
Africa

Southern Regional Council
63 Auburn Ave., NE, Rm. 432
Atlanta, Ga.
September 22, 1952

Mr. Emmett J. Murphy
Fort Hare University College, C. P.
UNION OF SOUTH AFRICA

Dear Emmett:

Very many thanks indeed for that fine, long letter.

I have sent a couple of paragraphs from it on to Channing Tobias, who will be much interested.

My brother Broadus the other day in New York told me of a Johns Hopkins Ph. D. candidate who consulted his adviser early in the game as to his writing a thesis on "Man's Relationship to God," and ended by doing a careful study of the local slaughter house. This is a gentle prediction that you will narrow the subject of the students some way. But subject to narrowing, it seems like a useful idea.

As to politics here, people had been deeply impressed with Stevenson before this Nixon business broke. I should think Eisenhower's only escape is to throw over Nixon and have the Republican Convention meet again and select another vice-presidential candidate. The drama of that might draw public opinion back to Eisenhower. But I think Stevenson is ahead by a good distance.

Send us the news. We are hungry for it.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

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Fort Hare University College, C.P.
4 September, 1952

Dear Dr. Mitchell:

I can't remember whether I've written you or not. I held out writing you for a long time waiting til I could report something definite of my research plans, and they've just crystallized in the last week or two. Since I have to consider my degree in anthropology I have done a soul searching job of trying to choose between a study of one of the nearby native communities and a study of the students here at college. The latter finally worked out, though I may have a hard time justifying it to my faculty at Chicago as a suitable subject for social anthrop. Quenten Whyte first suggested it to me as something that needed doing very badly, and the possibilities in it intrigue me. Furthermore, I find that I have a great sympathy and liking for the students, which makes the study much more pleasant.

The great bulk of the students are Bantus and still speak their native language, though there are a handful of Indians and Coloureds here. The Bantu students, though largely Europeanized, still share many old cultural elements and were for the most part raised under tribal society. They are very politically conscious and spend a lot of time griping about and discussing the plight of their people. That sort of thing is officially discouraged by the college authorities, hence it goes on on the QT. The staff members are not very liberal by American standards and impress me as being so wrapped up in their personal position in life that they regard protest from the students (or any natives) as being dangerous and irrational. Thus there is evident ill feeling between staff and students except for a few individual exceptions, and this ill feeling is also along race lines. The students are, as nearly as I can tell, slightly inferior in scholarship to American students, and are rigid and non-spontaneous in their study habits and thinking. The inferiority could be easily explained by the inferior system of education they have grown up under and by their feeling that the very critical and often hostile eyes of Europeans discourages initiative in studies; 'give the lecturer back just what he gave you and you'll be all right', 'do nothing except what you're told to do or you'll be adversly criticized', etc.

Anyway, the situation deserves serious study, particularly since these students will be the future leaders of the African peoples in this end of the continent. Most students seem to belong to the Youth League of the African National Congress, though this is forbidden by the college, and they want rights which the Europeans say they aren't prepared to give. Although the Europeans in this area seem to me to be almost identical with the more conservative Southerners, I think there are many important differences between the students and American Negro students. I am anxious to make a thorough study of the backgrounds of as many of the students as possible to see where and how their characteristics came, and to describe the students as completely as possible.

The great numbers of native Africans seem to frighten the Europeans here very badly. Most Europeans we have gotten to know impress me as being ernest, friendly, unimaginative people who are desperately striving for security. The hostility and restlessness of non-Europeans threatens that strong wish for security, and the reaction is to bear down harder and retreat into their intellectual shells even further. A case in point and illustration: We have a 15 year old garden boy one day a week

day a week. He goes to school nights and is just learning English. He works also a day for our next door neighbors. The man next door is head of the theology department at the college. The boy works from 8:30 to 5:00, pay is 21¢ a day plus lunch and tea; he uses his money to keep himself in school. For his lunch one day I gave him bread with butter, and the lady next door (a very friendly and kind-hearted woman) observed the butter with evident alarm. She cautioned me almost immediately against giving him butter with bread: 'they never eat butter; they don't like it; it's bad for them since they don't eat it at home; (and finally) it costs too much so we never give it to them.' (It costs 42¢ a lb.) Her alarm mounted as she gave these arguments, but her embarrassment at her reasons finally caused her to break off the lecture and hurry home. The next day she approached me to bring up the subject again and went through the range of arguments again. She and her husband have included in their hospitality to us many cautions about not spoiling native servants, not trusting them, not paying them more than the accepted rate (from $2.50 to $5.50 per month plus food), keeping them busy with odd tasks, etc. I can only interpret such urgent concern over the natives as being a fear that something will disturb the already shaking status quo, thus threatening the security and feeling of status and power that control over inferiors gives one. The cases are so frequent I could fill a book already just setting down the volunteered advice on how to handle natives.

This fear has inevitably stimulated more trouble. The African National Congress, harrassed by the government and all Europeans except Communists, is working overtime to organize and stimulate the masses of peasant African natives. The hostility toward it and the desperate measures used against it has made some of its work sub rosa and underground, and its strength seems to grow in direct proportion to the attacks against it and the measures to hold the natives in check. The Defiance of Unjust Laws campaign which it directs is growing and is attracting the cooperation of illiterate peoples all over the Union as well as of all literate peoples among the Africans. The more frightened the Europeans become the harsher and less compromising they become, but they seem to actually stimulate antagonism. The whole situation here makes me glad I'm an American who is here for just a year.

This whole business affects the students very strongly. The whole student body is sympathetic to the Defiance campaign and similar efforts, while the staff is almost as unanimously opposed to it, and this just increases the misunderstanding and undercover hostility between the two groups. Since my wife and I are Americans (who are very popular among the African students; they often come to our house just to hear us tell about life in the States) and visitors we get the gossip from both sides straight from the horses mouthes. I'm sure I'll be able to get a great deal of valuable information from the students.

What do you think of the idea of the study? I wish I could set forth all the many small items of information I have picked up since we have been here, because not only would they be interesting per se but would help to show how central these students are in the whole political and social milieu. I couldn't say 'know the students and you know the future of the Union' but I do think they will play an important part in development over the next 20 or 30 years.

Other than my usual excitement over learning new things about race relations and politics here, life is pretty quiet in Alice. It is a sleepy little country town that has a certain distinction because

Fort Hare and Lovedale Missionary Institution are both here with their educated staff members. There is a movie (bioscope) twice a week in the town hall showing mostly older Hollywood films; everybody in town tries to get to every show. The town is rather pretty, being nestled in a valley with mountains on two sides and hills on the other two, but the surrounding countryside is very dry and sparse looking. Cactuses flourish, and large numbers of cattle somehow manage to keep going on the brown grass growing all arpund. Native kraals dot the hills in everydirection, making one wonder how they live in such sterile country; the answer is that they barely do. All towns in South Africa close up at dark and on Sundays; therefore night life is either non-existent or completely privately arranged except for the movies on Wednesday and Saturday nights. Living expenses are much less than at home, though salaries are too. Mechanical gadgets, cars, clothing, shoes, and luxury items cost more than they do in the States; indeed, a new Ford costs around $2700. Beef is fairly plentiful at present, and though tougher than American beef, forms our main eating pleasure since it costs so little: top cut steaks and fillet less than 30¢ a lb. A drought has made most green vegetables somewhat expensive, but citrus fruits and guavas and pineapples are very cheap.

Vacations are no problem to the folks here since there are two cities within 150 miles (Port Elizabeth & East London), mountains and mountain resorts 20 miles away, and the coast and beach resorts about 70 miles away. If we can possibly get up the money while we're here we're going to take a tour to S. Rhodesia that will scribe a circle around the Union and show us at least some of the more interesting places. We have a two month vacation in December & January that would be a good time for the trip, or at least half of it would. The other half I want to spend out in one of the native villages near here getting my fingers into a 'primitive' group to see what it's like.

I've been interested in checking people's reaction to my New South article since we've been here. The students like it, but several who should be in the know have told me I have underestimated the influence of Communism in the Union. It would, they say, have little appeal to the Africans except that it preaches their liberation and Communists are the only white skinned people who accept and work for the aims of the native peoples. I suppose the most obvious difference between race relations here and in the U.S. is the virtually total lack of concrete help from whites. The S.A. Institute of Race Relations seems to be fairly well regarded by the students, but they feel that as a research organization its help is limited, and its policies are not as bold and egalitarian as they would wish.

Hope you'll find time to write me and tell me any news you might have. American political news looks good to us, what little we hear of it, since Stevenson is doing better than we had ~~xxxxx~~ thought he could. If you hear of anybody who is anxious to help students from here come to the U.S. to school we could surely oblige them. I think nine tenths of the student body would like to visit and study in the States.

Very sincerely,

Emmet Murphy

Office

Fort Hare College, C.P.
Union of S. Africa
27 October, 1952

Dr. George S. Mitchell;
Southern Regional Council
63 Auburn Ave, N.E.
Atlanta 3, Georgia

RECEIVED
NOV 3 1952

Dear Dr. Mitchell:

I took to heart your suggestion that my research topic must be narrowed in scope, and I have been working all along to do just that. Several weeks ago I air mailed a thesis suggestion to my advisors at Chicago to ask for their criticisms and advice; the document I sent them was fairly detailed and well worked out, but it will of course have to be revised several times more. In the meanwhile my research has been going nicely, though it is slowing down now due to exams next week. I won't be able to collect any more information from students til next term, which begins late in February, but during much of the vacation period I will be busily engaged in studying and analysiing what I've collected the past three months. Then, when the students come back off vacation, I can start in again with more specificity.

I have been concentrating my efforts on getting detailed and extensive information from the students on their racial and political attitudes and ideologies. Those two things are their first loves and dominate their lives, as nearly as I can tell. The study looks so far like an effort to describe completely the ideological 'culture' of these students, and to analyze and explain it in terms of 1) family & general social background; 2) racial and ideological forces in the students educational backgrounds; and 3) the same sorts of forces affecting them in the present relations between European and Non-European. Since these students form an very important segment of the African 'intelligentsia' which is mixed up intimately in the advance of the Non-Europeans and the nationalistic movement, the study should have a great deal of practical as well as ~~xxxxxx~~ academic implications.

Life here is pretty tense at present. There is so much hard feeling and fear on both sides in every realm of life that it begins to appear rather bizarre and unreal. Trouble between staff and students here at the college has been brewing ever since we arrived, and erupted last week in a mass boycott of the college morning prayer services, a lot of name calling on both sides, and a feeling of urgency in both groups. The students finally backed down (since exams are so close), but they still are muttering grievances and threats among themselves (and to me, I'm happy to report). I'm anxious to get this study finished by next June so we can go home in July; it's too much personal strain to stay any longer unless absolutely essential.

Incidentally, I have put out feelers to various college people for a teaching job for me next year. However, I would also be interested in research or action work if you hear of any prospects. I want to write my dissertation and catch up the odds and ends for my degree while I'm working next year; due to financial zero conditions it is mandatory that I have work as soon as we return home.

Sincerely,

Murphy

LUGBRIEF AIR LETTER

PER LUGPOS BY AIR MAIL

Dr. George S. Mitchell
Southern Regional Council
63 Auburn Ave, N. E.
Atlanta 3, Georgia
U. S. A.

AS ENIGIETS INGESLUIT WORD, SAL HIERDIE BRIEF PER GEWONE POS GESTUUR WORD

IF ANYTHING IS ENCLOSED, THIS LETTER WILL BE SENT BY ORDINARY MAIL

EERSTE VOU—FIRST FOLD

NAAM EN ADRES VAN AFSENDER
SENDER'S NAME AND ADDRESS

Murphy, Fort Hare
College, C.P., Union of
South Africa

TWEEDE VOU—SECOND FOLD

Africa

RECEIVED
FEB 9

Fort Hare, C.P.
Union of South Africa
31 January, 1953

Dear Dr. Mitchell:

Things are rather quiet for us over here now while the school's summer vacation is on, but the students are due to start arriving soon for the opening on 20 February. My wife and I took a short vacation trip up to Durban for two weeks, enjoying the Union more than at any time since we arrived last July. Durban and most of Natal are semi-tropical, lush, exotic, and full of really beautiful scenery. We were real tourists during our trip, going to the visited places, gawking at things, and buying a few souvenirs. I had saved about $15 for souvenirs, and I spent it at one swoop in the Zulu market in Durban for shield, assegais, walking stick, knobkerry, grass beer strainer, and pottery. Though the Zulus make this stuff strictly for the tourist trade, it still represents essentially the old wood and metal craft of early days, and looks good sitting around in a room. The Indians in Durban, if you ignore the abysmal conditions under which they live (which we, as tourists, tried to do), lend a nice touch of exotic color to the city. They excel there in fruit growing and selling and gold craft; the latter caused my wife to spend the bit she has been saving for souvenirs. We visited with a better-off-than-average Indian family, though they were still poor, and got a warm and very hospitable reception, including a couple of meals of Indian curried dishes which put on each of us several extra pounds. The Indians, warm, friendly, peaceful, quiet, industrious, artistic, and colorful, are really the forgotten minority in S.A. Their small numbers don't give them the dubious comfort that the teeming Africans have, and they are hated by whites and Africans alike.

My study is progressing; the vacation has given me time to look my materials over thoroughly, to plan my work for next school term, and to write a rough draft of the history of race contact in S.A., with emphasis on laws and policies affecting Africans. This latter I think is necessary to give background and perspective to my study.

I've written to Chicago and N.Car. asking the departments to look out for me a job for next year. If you have any suggestions or hear of any prospects I hope you'll remember me and let me know. I'd like very much to get something as soon as possible, to start working on 1 October, 1953. It will be easier for me to write my dissertation the nearer I am to Chicago, but I wouldn't refuse a good offer anywhere as long as it would give me a few hours a day to work on my dissertation. Teaching is my first choice, but any good job would do. I can teach courses in introductory soc. & anth., race relations, African affairs, American culture, and several special topics in both soc. & anthrop. I also give interesting lectures on African politics and race relations, Marxism in Africa, and related topics, materials gathered from my harrowing adventures among the ideological jungles of South Africa.

This latter is more serious than it sounds. I have been fortunate in having contact with several of the top notch people in the African National Congress, and have discussed every inch of their policies with them. They are, as you probably know, strongly inspired by revolutionary Marxist doctrine, and have been amazingly frank with me, considering my bourgeois liberal sentiments. This info does not relate directly to my study, but it does give me a valuable knowledge

Over

of what's going on over here. Since I have no call to take part in the Union's problems, and have been specifically warned to keep out of them, I am keeping my lip buttoned until I get back to the U.S. But I'm keeping my eyes and ears wide open nonetheless.

Our best regards to you and Mrs. Mitchell,

Pat Murphy

LUGBRIEF AIR LETTER

PER LUGPOS BY AIR MAIL

SUID-AFRIKA POSSEL POSTAGE 6 P SOUTH AFRICA

3D SOUTH AFRICA POSTAGE 3D

Dr. Hugh Mitchell
Southern Regional Council
63 Auburn Ave, N.E.
Atlanta 3, Georgia
U.S.A.

EERSTE VOU—FIRST FOLD

NAAM EN ADRES VAN AFSENDER
SENDER'S NAME AND ADDRESS

AS ENIGIETS INGESLUIT WORD, SAL HIERDIE BRIEF PER GEWONE POS GESTUUR WORD

IF ANYTHING IS ENCLOSED, THIS LETTER WILL BE SENT BY ORDINARY MAIL

TWEEDE VOU—SECOND FOLD

Africa

March 10, 1953

Mr. Jules Levey
1270 Sixth Avenue
New York, N. Y.

Dear Mr. Levey:

I came across in some African magazine reference to the new African movie The Boy Kumaseno. Friends here in the British Consulate undertook to track it down for me and ended with word that you had the sole print in these United States.

I was in New York last week and knocked at your door but caught you not there.

I run, as you can see, an interracial organization hereabouts and have an interest in African matters, and so thought it would be nice to see the movie. Can you send me a word about what times and arrangements could be made for renting it?

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

Africa

Fort Hare College, C.P.
Union of South Africa
18 March, 1953

RECEIVED
MAR 25

Dear Dr. Mitchell:

Things are quiet over here for the present, and everything seems to be waiting for the elections next month. There are political speeches, to be sure, by the various candidates, but so far nobody seems to be very excited about the campaigns. The Defiance Campaign is in a lull period, though the trials of many of the leaders of the African National Congress are continuing. One of them whom we know rather intimately, Prof. Matthews son, is appearing right now at the courts in Port Elizabeth. We heard vague rumors for a while that the ANC might attempt to stage a mass strike of some kind to obfuscate the elections, but nothing has happened. Many of the people over here, both black and white, feel that if the present government is returned to power ~~th~~ South Africa will be in for a real fascist regime, with newspaper censorship, opening of mail, prosecution or imprisonment of political dissenters, etc. It is of course true that the recent Public Safety Bills would seem to lend themselves to be used in those ways, but who knows.

My study is progressing very satisfactorily, though the time is getting awfully short. I will have to finish all my business with the students before 1 June, when exams start, and we leave on 9 July for the U.S. As you predicted months ago, I have had to narrow my scope and efforts very considerably. Last term I got some good material on racial stereotypes, political attitudes and aspirations, and general perceptions of the larger social world. This term I am concentrating almost exclusively on life histories from a few students; my wife and I together have 18 students from whom we are taking autobiographies, I have several African staff members writing their life stories with a little guidance from me, and I am sponsoring a general contest among the students for the best unguided autobiography. Actually I am providing a fairly explicit outline for this contest autobiography, but what I get will depend on how much the students write and how many questions about their own development they answer. But it won't take much of my time, and very little of my money ($6.00). The 18 students that we have are giving us from 2 to 6 hours per week for writing and oral interviews, and my analytical eye so far is ensuring good results; from the 18 students we expect to get 10 or 12 really useful life histories. I will attempt, on the basis of them and what I already have, ~~to trace the~~ growing up of the African intellectual in this multiracial society, hoping to show something of what it means to do so in both sociological and psycholigical terms. I will try to answer such questions as What is the African intellectual social type?, From what sorts of backgrounds do they come?, What patterns and forces operate to guide their development?, What are their expectations for their futures?, How do they assess themselves and the social world about them?, How much do they represent a sociological phenomenon integrated into South African society?. These questions I use to guide my research; almost certainly I shall pare them down and focus them more specifically when I begin to analyze my materials. Redfield and Hughes at Chicago have made suggestions leading to the narrowing down I've done so far, and they think I'm on the right track now. I do too, of course.

I have a very feeble chance at a job at Tulane for next year,

but I'm not banking on it. Beyond that nothing has so far materialized. Right now I'm worrying about whether I'll get an SSRC fellowship to get us back home and pay off some of the expenses we've incurred over here.

This year in retrospect looks good to us. I think we have learned a great deal about race relations and social and political problems in general, as well as a great deal about South African life in specific. All in all it has so far been fairly pleasant, too, despite the tensions that eddy all around the country and affect everybody who does any thinking.

PAR AVION — AIR MAIL — LUGPOS

AEROGRAMME AIR LETTER LUGBRIEF

FIRST FOLD-EERSTE VOU

SENDER'S NAME AND ADDRESS
NAAM EN ADRES VAN AFSENDER

Murphy, Fort Hare, C.P.
Union of South Africa

IF ANYTHING IS ENCLOSED THIS LETTER WILL BE SENT BY ORDINARY MAIL

AS ENIGHETS INGESLUIT WORD SAL HIERDIE BRIEF PER GEWONE POS GESTUUR WORD

SECOND FOLD-TWEEDE VOU

Dr. Hugh S. Mitchell
Southern Regional Council
63 Auburn Ave, N.E.
Atlanta 3, Georgia
U.S.A.

SOUTH AFRICA POSTAGE 6d. OSSEEL SUID-AFRIKA

SOUTH AFRICA POSTAGE 2½D 3c

I'll be looking forward to seeing you when we return to the U.S., when I can give you a long report in person. I'm still a little nervous about writing things from over here, and my study doesn't leave me a lot of spare time anyway.

Very sincerely,

Murphy

Emmett J. Murphy

Non violence - africa

RECEIVED
SEP 23 1952
Southern Regional Council

Fort Hare Univ. College, C.P.
11 September, 1952

Dear Dr. Mitchell:

We have been right in the middle of some of the exciting political developments here, particularly the Defiance of Unjust Laws Campaign. The students, as you might imagine, are quite vocal and conscious of that sort of thing and support the campaign unanimously. On Monday night a group of 37 volunteers defied the Pass law here in Alice, as well as the curfew law, by appearing in the streets after 9:00 without passes. They were singing the African national anthem, in Bantu, when arrested. The campaign is of course passive resistance, so no violence occurs. On Tuesday the trial was held and native Africans (at least half of whom were students from the college, demonstrated all day by sitting and standing in front of the court house and softly singing resistance songs. Here are some of the events: trial, scheduled for 9:30, was delayed til 2:00. Two truckloads of police were brought in from surrounding towns just in case of violence. Trial ended at 5:15 with all defiers guilty and receiving from two weeks to four months at hard labor. At 5:30 the police drove the crowd away with a baton charge, injuring three students slightly. The students then all marched back to the college singing 'Nkosi Sikilele i'Afrika', their national anthem.

On Wednesday morning at 6:00 Joseph Matthews, son of the man whom I'm replacing, was arrested and charged on Thursday under the Suppression of Communism act. Now over thirty of the top African and Indian leaders have been arrested under that act. I have read it; it stinks to high heaven. Any person who has at any time furthered the aims of communism in any way, etc. is a communist; any person who organizes any changing of laws by force is also a communist (force is not defined and can presumably mean numbers). The students have been advised by the Cape leader of the African National Congress (just before he went to jail) to lay off demonstrating, since the government would love to close the college. Most of the students, incidentally, are active members of the ANC's Youth League and expect to form the second or third string of leaders as soon as the first string goes to prison. They are determined to keep the Defiance campaign going and to achieve equality within the next few years.

I am studying the students as my year's research. Volunteer informants come over for an hour and a half weekly to give me detailed information on their families, their backgrounds, their religion, their politics, race attitudes, ideals, emotions, et al. Then 25 or 30 students drop in each week for visits and tea, during which time I learn a great deal of random stuff about them. So far I'm surprised at their similarity to American college students. They are shyer, have less self-confidence, and are more politically conscious than American students, but are just as smart. They love America and things American (clothes, movies, cars, jazz, literature, etc.), but are swayed by communist argument & propaganda into a lack of faith in American international relations. They feel capitalism has has had its day, but they are sentimental about American culture and Americans.

If you have questions about anything, particularly current political movements here, don't hesitate to write and ask. Hope I can later do a little report for New South on the Defiance movement.

Very sincerely,

Murphy

Emmett G. Murphy
Fort Hare Univ. College, C.P.
U. of S. Africa

LUGBRIEF AIR LETTER

PER LUGPOS BY AIR MAIL

Dr. George S. Mitchell

Southern Regional Council

63 Auburn Ave., N.E.

Atlanta 3, Georgia

U.S.A.

AS ENIGIETS INGESLUIT WORD, SAL HIERDIE BRIEF PER GEWONE POS GESTUUR WORD

IF ANYTHING IS ENCLOSED, THIS LETTER WILL BE SENT BY ORDINARY MAIL

EERSTE VOU—FIRST FOLD

NAAM EN ADRES VAN AFSENDER
SENDER'S NAME AND ADDRESS

E.J. Murphy, Fort Hare

College, C.P., Union of

South Africa

TWEEDE VOU—SECOND FOLD

~~Amer Anthropologist~~
South Africa

A HISTORY OF SOUTH AFRICA, Social and Economic. By C. W. DeKiewiet.
Oxford Press, 1941. PP. XII + 292.
Price, $ _____

In this book, A History of South Africa, Professor DeKiewiet traces with broad interpretative strokes, the social and economic history of South Africa. "In no other British colony of settlement" he says, "were the difficulties of racial contact so bewildering....and of South Africa's racial problems the greatest by far was over 800 miles from Cape Town on the Eastern Frontier. Instead of 30,000 Hottentots, who already spoke the language of their Dutch masters, there was a great native population on the frontier and beyond, which numbered millions. The contact between these and the Europeans is the dominant theme of all South African History."

The first half of this book deals with the coming of the Dutch and the British to South Africa, the expansion of the frontier, the development of the diamond and gold industries, the Boer War, and the formation of the Union of South Africa. Then follow chapters on contemporary problems—gold mining, poor whites and poor blacks, civilized labor, and the regulation of industry. Here there is ample documentation of the "dominant theme." The whites have a passionate faith in their own superiority, a determination to preserve their dominance and their separateness. But segregation is a myth, for here, as elsewhere, there has developed a "close and inseparable relationship" of white and black. South African political and economic policy, then, is the old story of the conflict between the humanitarian ideals of democracy and the desire of the dominant group to protect itself against "the competition of men in a lower social and economic position, and against their encroachment upon spheres of employment and standards of living dedicated to white labour." (P. 276)

DeKiewiet's book is essentially a book of ideas and interpretation. The author's premises are not those of equalitarianism. He says that "Greater

opportunity and a higher economic reward for the natives would be at the expense of white income and the white standard of living." And he thinks that "The economic and political governance of South Africa illustrates clearly how a community can be at the same time democratic and authoritarian."

Guy B. Johnson

Southern Regional Council
Atlanta, Georgia

9-29-45

Afr. Inst.

November 21, 1950

President Horace Mann Bond
Lincoln University
Oxford, Pennsylvania

Dear Mr. Bond:

The warmest congratulations on the announcement in the New York Times of November 18 about your Institute for the Study of African Affairs. That is so greatly needed, and your institution is exactly the right place to put it.

Sincerely,

George S. Mitchell
Executive Director

GSM:er

Africa

Notes on African matters. 2/5/51

Dr. Leo Hansburg, an anthropologist at Howard University, I am told knows all about Africa.

GSM'S Notes on African matters. 2/3/51

I was told by the man Earl Parker Hanson that one Julien Bryan, who now runs International Films, Inc., in New York City, is sufficiently sensitive a guy to know how to do the African job. Understands people. Office formerly 1600 Broadway. Lately back from Yugoslavia.

Could be Prof. Earl Parker Hanson, 201 South Hanes, Newark, Delaware. Telephone, Newark 6496. Wants to do research toward turning out six volumes on Africa, more or less as follows: Geography, Cultural Anthropology, European Contacts, and three more I forget what.

Another guy, knows languages, Frank Charles Laubach. A sometime missionary. Bugs on languages. Worked in Africa. Listed in Who's Who. c/o Commission on World Literacy and Christian Literature, 156 Fifth Avenue, New York City, or 14 Beacon Street, Boston.

An ancient, Dihdwo Twe, c/o John Ross, 3445 12th St, N.W., Washington. Unlisted phone, Columbia 4105. He is a Kru tribesman. So old that he knew Mark Twain. Now running for President of Liberia and in this country buying campaign buttons and ribbons. First aborigine so to run. Wise old boy.

Hanson's advice: The trouble about American Negroes in Africa is that they get over there and talk racial politics. African countries are just countries, and the fact that they are Negro countries should fade away. Africans in those countries don't want to be treated as Negroes. They want to be treated as citizens of their countries.

Another quote from Hanson: Such and such a person is interested in preserving what appears picturesque to a cultural anthropologist, whereas what an African wants is an automobile and a filling stateion.

GSM'S Notes on African Matters. 2/5/51

I conferred with the man Kendrick Marshall, U.S. Office of Education, Ext. 6300, Branch 2628, Room 3714, Fourth and Independence Avenue, Fourth Street Side.

He in turn put me in touch with Mrs. Savilla Simons, of the State Department. She is sister to one Fryer, who is number one man on the educational part of Point IV. She is daughter to Millis, the labor economist, now deceased.

I met with them and the man Kendrick.

GSM'S Notes on African matters 2/5/51

Book on Africa.

Fitzgerald: Geography of Africa.

Recommended by Hanson as only book, and it not so good.

African Inst.

C
O
P
Y

March 8, 1951

Mr. W. Roy Ulrich
Atlanta Chamber of Commerce
Volunteer Building
Atlanta 3, Georgia

Dear Mr. Ulrich:

Here is some review of the notion about an Atlanta Institute for African Studies.

That's a rapidly developing continent, the last one still in Colonial tutelage. This country draws many raw materials from it, and doubtless in the future will draw more. And as the level of living rises the continent will improve as a market for American products. It is also a continent beginning now to push up through the map that we know, whole new peoples and nations, self-conscious and demanding. The Gold Coast only the other day elected a Native majority to its parliament, and pushed considerably nearer to the Dominion status its politicians are demanding. Nigeria clamors to become a separate nation. And with the complications of South Africa, there will be ticklish problems to solve as the people of Africa move forward.

It is a continent we in this country know little about. Where would you turn for a close understanding of African Geography, or for translations into leading African languages? And what do we know of tribal and cultural history? Yet we are pretty certainly going to have to deal with African matters more and more. Since the British have put their great Near Eastern base in Kenya it is clear that our joint military planning takes in protection and use of a supply route across central Africa. The Congo has the world's richest source of uranium. Our old link with Liberia tightens rapidly; Firestone and U. S. Steel both have considerable investments there. Each of these companies has done a good deal in the way of welfare development. And the various British colonial governments have created a whole series of Development Corporations, well capitalized with public and private funds, bent on providing in presently backward areas hydroelectric power, modern transpor-

tation, new processing and finishing industries, organized crop marketing, and other avenues of economic progress. Human and veterinary medicine have made great strides in the last few years, and vast areas hitherto uninhabitable are opening to crops and cattle.

This all adds up to the prospect of a considerable intake, in Africa, of persons trained to do the new technical jobs. They will need the whole range of technical and professional personnel that are at work in this country inconspicuously to attain the level that is sought. Much equipment will be American, and American trained people will be needed to go out with it. In many aspects of public health, sanitation, agriculture, and engineering Americans will be called for. Sometimes by the British, sometimes by quasi-independent African States, sometimes by international authorities.

We have in this country no institution equipped to train these people for their African service. My friends and I inquired last month, by letter, of Columbia University as to what courses they offered on Africa. "One," they said, "on African music." Northwestern University has a famous Department of Anthropology, and people there have a specialized knowledge of parts of Africa. The University of Pennsylvania did some work a few years ago. Two or three other Universities have shown some interest. Lincoln University, at Oxford, Pennsylvania, has lately established an Institute of African Studies, thinly staffed, but eager.

I have no official information from the State Department on this matter, but I have corresponded with and talked with people there, and I feel sure they would welcome the growth at various points in the United States of a body of knowledge about Africa.

It seems to me inevitable that this country will in the next very short while take up the job of learning about Africa. If the South lets things rock along, all this new study will be done in the North or the West. I want some of it for the South. We hereabouts contain as a third of our population a people of African descent. What history has been taught them, and us, about Africa has been wrong; all was not barbarous disorganization (though the slave-trade had brought much demorilization). Africans had made an adjustment to an extremely difficult continent, and were living there in some dignity, with a good deal of governmental organization, and quite a lot of handicraft production and trade. It would bolster Negro pride in the South to learn more of the African past. And it is certain that the African future will have its repercussions in our own bi-racial pattern; repercussions less dangerous if there is full information about what is involved.

Many of the people who will be employed in technical assistance over there should be American Negroes. Where will we find better ambassadors of western democratic ideas? Or people more speedily effective in teaching to Africans the American-type skill?

Proposal, therefore: That Atlanta find the means to establish an Institute of African Studies. It should probably be an independent body, with its own trustees, but it should have a close faculty tie with existing educational institutions in the Atlanta area. It would need a library, and four or five research professorships, in perhaps Geography, History, Anthropology, Languages, and Economics. It would need scholarship money, and it should have a way to send its students to Africa or elsewhere for periods of interneship. Graduate students only. Perhaps twenty or thirty a year. Degrees might be granted by existing institutions.

Such an Institute would in the course of a few years go a long way toward establishing Atlanta, and Georgia, as a center for American interest in the whole growth of the African continent. And with sympathetic interest and understanding would go an enlarged commerce.

The thing would be difficult to do, certainly. The harder because nobody thinks a Southern city could show the character and strength that would be needed. But the truth is we could, and it would be good business, and good public policy.

I do hope you will explore about, and see what reality lies in this whole idea.

Sincerely,

George S. Mitchell
Executive Director

GSM:er

March 8, 1951

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Atlanta Chamber of Commerce
Volunteer Building
Atlanta 3, Georgia

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marketing, and other avenues of economic progress. Human and veterinary medicine have made great strides in the last few years, and vast areas hitherto uninhabitable are opening to crops and cattle.

This all adds up to the prospect of a considerable intake, in Africa, of persons trained to do the new technical jobs. They will need the whole range of technical and professional personnel that are at work, in this country inconspicuously, to attain the level that is sought. Much equipment will be American, and American trained people will be needed to go out with it. In many aspects of public health, sanitation, agriculture, and engineering Americans will be called for. Sometimes by the British, sometimes by quasi-independent African States, sometimes by international authorities.

We have in this country no institution equipped to train these people for their African service. My friends and I inquired last month, by letter, of Columbia University as to what courses they offered on Africa. "One," they said, "on African music." Northwestern University has a famous Department of Anthropology, and people there have a specialized knowledge of parts of Africa. The University of Pennsylvania did some work a few years ago. Two or three other Universities have shown some interest. Lincoln University, at Oxford, Pennsylvania, has lately established an Institute of African Studies, thinly staffed, but eager.

I have no official information from the State Department on this matter, but I have corresponded with and talked with people there, and I feel sure they would welcome the growth at various points in the United States of a body of knowledge about Africa.

It seems to me inevitable that this country will in the next very short while take up the job of learning about Africa. If the South lets things rock along, all this new study will be done in the North or the West. I want some of it for the South. We hereabouts contain as a third of our population a people of African descent. What history has been taught them, and us, about Africa has been wrong; all was not barbarous disorganization (though the slave-trade had brought much demoralization). Africans had made an adjustment to an extremely difficult continent, and were living there in some dignity, with a good deal of governmental organization, and quite a lot of handicraft production and trade. It would bolster Negro pride in the South to learn more of the African past. And it is certain that the African future will have its repercussions in our own bi-racial pattern; repercussions less dangerous if there is full information about what is involved.

Many of the people who will be employed in technical assistance over there should be American Negroes. Where will we find better ambassadors of western democratic ideas? Or people more speedily effective in teaching to Africans the American-type skill?

Proposal, therefore: That Atlanta find the means to establish an Institute of African Studies. It should probably be an independent body, with its own trustees, but it should have a close faculty tie with existing educational institutions in the Atlanta area. It would need a library, and four or five research professorships, in perhaps Geography, History, Anthropology, Languages, and Economics. It would need scholarship money, and it should have a way to send its students to Africa or elsewhere for periods of internship. Graduate students only. Perhaps twenty or thirty a year. Degrees might be granted by existing institutions.

Such an Institute would in the course of a few years go a long way toward establishing Atlanta, and Georgia, as a center for American interest in the whole growth of the African continent. And with sympathetic interest and understanding would go an enlarged commerce.

The thing would be difficult to do, certainly. The harder because nobody thinks a Southern city could show the character and strength that would be needed. But the truth is we could, and it would be good business, and good public policy.

I do hope you will explore about, and see what reality lies in this whole idea.

Sincerely,

George S. Mitchell
Executive Director

GSM:er

Department of Sociology
ATLANTA UNIVERSITY
ATLANTA, GEORGIA

April 19, 1951

Dr. George S. Mitchell
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Dr. Mitchell:

I thought you might be interested in this pamphlet from Northwestern University on "Institute on Contemporary Africa."

I have sent a note to Dr. Reddick regarding your materials.

Mozell C. Hill
Chairman

MCH/eab
Encl.

Africa Matters

April 23, 1951

Department of Anthropology
Northwestern University
Evanston, Illinois

Gentlemen:

I would be grateful for three copies of Northwestern University Information, Vol. XIX, No. 19, Jan. 8, 1951 ("Institute on Contemporary Africa") to come to me, and two copies to Dean Leroy Loemker, Emory University, Emory University, Georgia.

Enclosed is postage.

Sincerely,

George S. Mitchell
Executive Director

GSM:er
Encl.

CC: Dean Leroy Loemker

Note: Mr. Harvey's title is:

Chief of Division of Research for
the USSR and Eastern Europe

May 24, 1951

Mr. Mose L. Harvey
Research Division
U. S. Department of State
Washington, D. C.

Dear Mr. Harvey:

At Dean Loemker's request, I take pleasure in sending you a copy of a letter written some weeks ago to the Chamber of Commerce here in Atlanta.

Several of us here are pushing along this line. One of our main purposes would be to afford the South an opportunity to play a part, modest we know, in adding to the sum of knowledge available to the State Department in its expanding responsibilities.

If any of us can assist you in any way, let us know.

Sincerely,

George S. Mitchell
Executive Director

GSM:er
Encl.

July 9, 1951

Mr. Channing H. Tobias
Phelps-Stokes Fund
101 Park Avenue
New York 17, N. Y.

Dear Mr. Tobias:

I join Emmett Murphy in renewed thanks for the Phelps-Stokes Fund's kindness in putting up the grant that enabled Murphy to attend the institute at Northwestern on Contemporary African Affairs.

I will be in New York July 16 and 17 and will hope to find you or someone else in your office who can advise me on African notions I have myself.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

6632 California Avenue
Hammond, Indiana
1 July, 1951

Mr. Channing H. Tobias
Phelps-Stokes Fund
101 Park Avenue
New York 17, N.Y.

Dear Mr. Tobias:

The check from the Phelps-Stokes Fund which you so kindly granted me to attend the Institute on Contemporary Africa reached me several weeks ago. I am very grateful for this aid, and I hope I can do work in my career in anthropology and study of Africa which will justify it.

Dr. Mitchell made the suggestion that I send you full reports of the work of the Institute and my activities, and I am more than happy to follow the suggestion. I shall include in this letter all I can give of first impressions, and at the close of the term I shall write you again probably at more length.

I registered for credit in the Institute on Friday, June 22, and began classes on Monday, June 25. There was some confusion among most of the Institute members I met during registration since we were required to go through the regular academic procedure, yet were in somewhat of a special status. It was not, however, traumatic, and we were able to finish in four to six hours. Each person is expected to register for two courses out of an offering of six Institute courses, and also take the Seminar which is restricted to Institute members. The regular courses meet one hour daily Monday through Friday, while the Seminar meets two hours on Tuesday and Thursday afternoons. I registered for "Cultural Traditions of Africa", and a history course in "Modern Africa". The first is conducted by Kenneth L. Little, PhD., Reader in Anthropology at the University of Edinburgh, the latter by Harry Rudin, PhD., Professor of History at Yale.

Other members of the staff were Dr. Herskovits, Joseph Greenberg (Ass't. Prof. of Anthropology, Columbia U.), Lyndon Harries, M.A., Lecturer in Swahili, School of Oriental and African Studies, London, Vernon McKay, PhD., Dep't of State, Division of Non-Self-Governing Territories, and member of the US delegation to the

Trusteeship Commission, United Nations; and Paul Wingert, PhD., Associate Professor of Art, Columbia University. Dr. Herskovits, as Director of the Institute, is in charge of the afternoon Seminar. In these sessions we have a full series of guest lecturers on special interest areas pertinent to Africa. (The first was by a Dr. Brozen, economist at Northwestern, on "Technological Change in Underdeveloped Areas").

Mr. Greenberg is teaching a course on Language Problems of Africa. Mr. Harries, himself a clergyman, teaches "The Role of Missions and Education in Changing African Life". Mr. Rudin, who has written on the history of the Cameroons, teaches "Modern Africa", using an historical approach from the beginning of Eurppean contact. Mr. McKay offers "Political Problems of Africa". Mr. Wingert, reputedly well acquainted with African art forms, gives the course "Art of Negro Africa".

I might pause at this point to offer several criticisms I have so far of the setup of the Institute. The staff seem to be highly competent, and have a great deal to offer, but the organization of the Institute has a somewhat stifling effect upon this reaching the participant (or I should say, student). Since we are required to register for formal academic courses, we are initially restricted to receiving material from only two of the available seven experts. Second, the formal nature of the courses, with rigid academic grading, reading assignments, and term requirements in the form of papers and exams, promises to further restrict the free movement of each student. And third, all of the courses except the Seminar, and even that to some extent, are organized largely on the basis of formal lectures which do not admit of widespread discussion on the part of the class members. Fourth, since undergraduate college students are admitted to the classes along with special students, foreign students, and graduate students, the level of material considered has started on rather lower than I had anticipated. Since I have found myself responsible for three term papers and a lengthy specified amount of selected reading, I have no time to follow up questions in which I am especially interested except as these coincide with the requirements.

The Northwestern Library has a large collection of works on Africa, and these are in part catalogued separate from other volumes. Many of the most pertinent works, however, have been placed on a reserve shelf from which they cannot be removed. Hence, what reading to be done in them must be done when the student can spend time in the Library. Physical arrangements are good. Northwestern has a beutiful and well equipped campus, and most of our facilities are among the best. Dr. Herskovits has arranged for a special dining room in the school cafeteria for members of the Institute on Tuesday and Thursdays for lunch, which brings us into almost the only contact we have all together.

There is a large number of students in attendance at the Institute, probably between sixty and seventy. About seven or eight of the students are Negroes, most of them being native

Africans, representing the Gold Coast, Nigeria, Belgian Congo, and South Africa (?). So far we students have not had as much opportunity as I should like to get acquainted with each other, but during the coming week we have at least one evening social event at which we shall all be present.

In the current of knowledge hovering about the Institute and its members I am getting a vague impression already of many of the more specific problems that are of great importance in the future of Africa and the world. These are so vague at present, however, that I should prefer stating them until they crystallize somewhat to me. So far there is little in the work of the Institute which is of direct or evening indirect bearing on American race problems. Most of our work promises to be in relation to modern Africa itself in its place in the modern world- strategic, economic, political, etc., and this may or may not having any bearing on race problems in the United States. As nearly as I can tell, the Institute represents a heartening number of people who are keenly interested in Africa and its problems.

There are many points of interest which I probably have ngglected entirely, but I shall try to jot them down for my next letter.

Thank you again for your kind extension of aid.

Yours very sincerely,

Emmett J. Murphy

6632 California Avenue
Hammond, Indiana
1 July, 1951

Mr. Kendall Weisiger
Atlanta, Georgia.

Dear Mr. Weisiger:

The check from the income of the Ashby Jones Memorial Fund which you so kindly granted me to attend the Institute on Contemporary Africa reached me several weeks ago. I am very grateful for the aid, and I hope that the work I do in my carser in anthropology will justify it.

Dr. Mitchell made the suggestion that I send you full reports of the work of the Institute and my activities, and I am more than happy to follow the suggestion. I shall include in this letter a number of first impressions, and at the close of the term I shall write you again probably at more length.

I registered for credit in the Institute on Friday, June 22, and began classes on Monday, June 25. There was some confusion among most of the Institute members I met during registration since we were required to go through the regular academic procedure, yet were in somewhat of a special status. It was not, however, traumatic, and we were able to finish in four to six hours. Each person is expected to register for two courses out of an offering of six Institute courses, and also take the Seminar which is restricted to Institute members. The regular courses meet one hour daily Monday through Friday, while the Seminar meets two hours on Tuesday and Thursday afternoons. I registered for "cultural Traditions of Africa" and a history course in "Modern Africa". The first is conducted by Kenneth L. Little, PhD, Reader in Anthropology at the University of Edinburgh, the latter by Harry Rudin, PhD., Professor of History at Yale.

Other members of the staff were Dr. Herskovits, Joseph Greenberg (Ass't. Prof. of Anthropology, Columbia U.), Lyndon Harries, M.A., Lecturer in Swahili, School of Oriental and African Studies, London; Vernon McKay, PhD., Dep't of State, Division of Non-Self-Governing Territories, and member of the U.S. delegation to the Trusteeship Commission, United Nations; and Paul Wingert, PhD., Associate Professor of Art, Columbia University.

Mr. Herskovits, as Director of the Institute, is in charge of the afternoon Seminar. In these sessions

we have a full series of guest lecturers on special interest areas pertinent to Africa. (The first was by a Dr. Brozen, economist at Northwestern, on "Technological Change in Underdeveloped Areas). Mr. Greenberg is teaching a course on Language problems of Africa. Mr. Harries, himself a clergyman, teaches "The Role of Missions and Education in Changing African Life". Mr. Rudin, who has written on the history of the German Cameroons, teaches "Modern Africa", using an historical approach from the beginning of European contact. Mr McKay offers "Political Problems of Africa". Mr. Wigert, reputedly well acquainted with African art forms, gives the course "Art of Negro Africa".

I might pause at this point to offer several criticisms I have so far of the setup of the Institute. The staff seem to be highly competent, and have a great deal to offer, but the organization of the Institute has a somewhat stifling effect upon this reaching the participant (or I should say, student). Since we are required to register for formal academic courses, we are initially restricted to receiving material from only two of the available seven experts. Second, the formal nature of the courses, with rigid academic grading, reading assignments, and term requirements in the form of papers and exams, promises to further restrict the free movement of each student. Andthird, all of the courses except the Seminar, and even that to some extent, are organized largely on the basis of formal lectures which do not admit of widespread discussion on the part of the class members. Fourth, since undergraduate college students are admitted to the classes along with special students, foreign students, and graduate students, the level of material considered has started rather lower than I had anticipated. Since I have found myself responsible for three term papers and a lengthy specified amount of selected reading, I have no time to follow up questions in which I am especially interested except as these coincide with the requirements.

The Northwestern Library has a large collection of works on Africa, and these are in part catalogues separate from other volumes. Many of the most pertinent works, however, have been placed on a reserve shelf from which they cannot be removed. Hence, what reading to be done in them must be done when the student can spend time in the library. Physical arrangements are good. Northwestern has a beautiful and well equipped campus, and most of our facilities are among the best. Dr. Herskovits has arranged for a special dining room in the school cafeteria for members of the Institute on Tuesdays and Thursdays for lunch, which brings us into almost the only contact we all have together.

There is a large number of students in attendance at the Institute, probably between sixty and seventy. About seven or eight of the students are Negroes, most of them being native Africans, representing the Gold Coast, Nigeria,

Belgian Congo, and South Africa (?). There is one French student and one white SouthvAfrican. So far we students have not had as much opportunity as I should like to get acquainted with each other, but during the coming week we have at least one evening social event at which we will all be present.

In the current of knowledge hovering about the Institute and its members I am getting a vague impression already of many of the more specific problems that are of great importance in the future of Africa and the world. These are so vague at present, however, that I should prefer not stating them until they crystallize somewhat to me. So far there is little in the work of the Institute which is of direct or even of indirect bearing on American race problems. Most of our work promises to be in relation to modern Africa itself in its relation to the modern world- strategic, economic, political, etc.- and this may or may not have anybearing on race problems in the United States. As nearly as I can tell, the Institute represents a heartening number of people who are keenly interested in Africa and its problems.

There are probably many points of interest which I have neglected entirely, but I shall try to jot them down as they occur to me for my next letter.

Thank you again very much for your kind extension of aid.

Yours very sincerely,

Emmett J. Murphy

RECEIVED
JUL 9 1951
Southern Regional Council

6632 California Avenue
Hammond, Indiana
July 4, 1951

Dr. George S. Mitchell
Southern Regional Council
Atlanta, Georgia.

Dear Dr. Mitchell:

Just a note to tell you that I've gotten away to a whirlwind start in the Institute. It promises to be a real workout, but already is very interesting and helpful. There are many ways in which I would disagree with Dr. Herskovits on the organization of it, but they aren't going to seriously interfere with my getting an invaluable amount of good stuff.

I've written the letters to Mr. Tobias and Mr. Weisiger, and am enclosing copies in this letter. Also, and I'm embarrassed to have to admit it, I've lost Mr. Weisiger's address. Hence, I'm enclosing his letter in here also to ask you if you'll send it on or give it to him if you're in frequent contact. I'm very sorry to do such a thing, but it was either this or waiting until I could get his address back from you, delaying the letter well over another week after it's been delayed too long already. If you think it best that I send it to him, I'd appreciate your mailing it back to me with his address, in which case I'll send it on post haste.

The letters I write at the end of the term will be more complete than these, but I hope these will give Mr. Tobias and Mr. Weisiger some idea of how things look at the start.

Hope to hear from you soon, and to see you if you get up this way as you said you might.

Very sincerely,

Emmett J. Murphy

Emmett J. Murphy

Africa

July 9, 1951

Mr. Emmett J. Murphy
6632 California Avenue
Hammond, Indiana

Dear Mr. Murphy:

Very many thanks for the copy of the letter to Tobias and the letter for Kendall. I sent Kendall's on to him. His address: 206-17th Street, N. E., Atlanta, Georgia.

I am glad you have gotten along all right so far and are finding the Institute interesting. That guy Ken Little is a friend of mine. Hail him for me.

I am hungry for more information myself about Africa. There will have to be some day this fall when you and I can get together. Do you go back to Chapel Hill in September?

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

Institute on Contemp. Africa
Murphy

July 9, 1951

Mr. Kendall Weisiger
206-17th St., N. E.
Atlanta, Georgia

Dear Kendall:

A guy you and the Phelps-Stokes Fund are sending to the Institute on Contemporary Africa at Northwestern has written you a report based on his first few days of attendance at the Institute. Here it is.

I believe it is going to do some good to have somebody from this part of the world that knows about Africa.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec
Encl.

July 9, 1951

Mr. Kenneth Little
Institute on Contemporary African Affairs
Northwestern University
Evanston, Indiana

Dear Ken:

Some of us rustled around and put together two separate bits of scholarship money and sent a boy named Emmett Murphy, white and of these parts, to your and Mr. Herskovits' Institute.

I envy the boy the chance to learn so much about Africa.

What are your plans for the rest of your stay over here? If you swing anywhere into my orbit, I would like to see you.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

Africa

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (INC.)

RECEIVED
SEP 25 1951
Southern Regional Council

P.O. Box 97,

JOHANNESBURG.

18th September, 1951.

Mr. George Mitchell,
Southern Regional Council,
Room 432,
63 Auburn Avenue,
ATLANTA 3,
GEORGIA...U.S.A.

Dear George Mitchell,

Thank you ever so much for sending on the tear-sheet entitled "City in Terror". The "Time" was banned in South Africa so I was very glad to see the article. Actually it is a very difficult thing to criticise because, although most of the facts are true, the emotional overtone is what matters. The quotation from the Institute appears to be rather un-Institute in its language - it was part of a Press Bulletin service that we give to Newspapers. Incidentally, it is not true that no white South African will suffer more than a fine if he should caught a Native under any circumstances.

It is a long time since we were in Atlanta enjoying your wife's hospitality and excellent dinner - I still remember that "pudding". Since I have returned to South Africa I seem to have been harried from pillar to post - partly by the situation; partly by the volume of very contentious legislation; partly by the very heavy demands made on us and partly certain internal organisational difficulties. So you must please forgive us both for appearing to be so neglectful. Actually, I have become a very good ambassador for America and I shall send you shortly copies of one or two addressed I have given since my return. People here consider that I am too optimistic about race relations both in North and South America, and that my picture is too brightly coloured. However, I found out that Liberals and Negroes alike were very optimistic. My only trouble is that both Liberals and Negroes are very American, very nationalist and therefore probably prone to present America favourably. I shall be writing you at much greater length some time soon - I hope. If you see Guy B. Johnson or Charles S. Johnson, please remember me to them and tell them that we are not the ~~integrates~~ ingrates we appear to be.

In the meantime, all good wishes to you both and I hope the Regional Council is finding its finances easier.

Yours sincerely,

Quintin Whyte.

Quintin Whyte,
DIRECTOR.

Excerpt from letter of Sol Sutker (Oklahoma A&M College, Stillwater, Okla.), October 17, 1951

Another matter concerned your interest in setting up an African Institute. I have mulled the idea over and have no real suggestions, bright or otherwise. I presume you have thought of the Rockefeller brothers and their interest in developing the economic resources of various areas in Africa. They could be a possible source of funds. I was thinking of possible institutions that could serve as a location for such an institute. Perhaps the University of Louisville might be appropriate. I do not know what has happened there since Louisville Municipal College was eliminated. Tulane could be a possibility. Their sociology department is expanding and they are a private school. I am also listing the titles of three publications put out by the Social Science Research Council that are pertinent to this subject. If you have not seen them, perhaps you will want to examine them. They are:

Julian H. Steward, Area Research, Theory and Practice, Bulletin 63, 1950

Charles Wagley, Area Research and Training: A Conference Report on the Study of World Areas, Pamphlet 6, June, 1948

Robert B. Hall, Area Studies: With Special Reference to Their Implications for Research in the Social Sciences, Pamphlet 3, May, 1947

Africa

October 9, 1951

Miss Dallas Johnson
Public Affairs Pamphlets
22 E. 38th St.
New York 16, N. Y.

Dear Day-Hand:

Many thanks for the Paton pamphlet.

A very nice job. Much helped by the map.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

PUBLIC AFFAIRS PAMPHLETS
22 EAST 38th STREET, NEW YORK 16, N. Y.
Telephone MUrray Hill 3-4331

September 28, 1951

RECEIVED
OCT 8 1951
Southern Regional Council

Mr. George S. Mitchell
Executive Director
Southern Regional Council, Inc.
63 Auburn Avenue, N.E. - Rm. 432
Atlanta 3, Georgia

Dear Mr. Mitchell:

I am sending you an advance copy of the now completed Alan Paton pamphlet, SOUTH AFRICA TODAY.

Sincerely,

Dallas

Dallas Johnson

November 6, 1951

Professor James S. Thomson
Dean of Divinity Faculty
McGill University
Montreal
Canada

Dear Professor Thomson:

I have cherished a notion of getting set up in some Southern city an Institute of African Studies. 'Tis thus far only a notion.

I would be extremely grateful for your kindness in putting me down as one interested in the new Institute of Islamic Studies. I profess no ambition to be an Islamic scholar; my interest is in the organizational aspect of getting an institute of that kind going.

Appreciatively,

George S. Mitchell

Executive Director

THE ROCKEFELLER FOUNDATION
49 WEST 49TH STREET, NEW YORK 20

RECEIVED
NOV 2 1951
Southern Regional Council

THE HUMANITIES
CHARLES B. FAHS, DIRECTOR
JOHN MARSHALL, ASSOCIATE DIRECTOR
EDWARD F. D'ARMS, ASSOCIATE DIRECTOR
CHADBOURNE GILPATRIC, ASSISTANT DIRECTOR

ADDRESS:
ROCKFOUND, NEW YORK

October 30, 1951

Dear Mr. Mitchell:

Your letter of October 25, 1951, asking about the Foundation's assistance to an Institute of Islamic Studies has come to me. The Institute in question is at McGill University in Montreal and I think you could best get information about its organization and purposes from its director, Professor Wilfred C. Smith. In case you have urgent need of this information, however, it might be preferable to write to Professor James S. Thomson, Dean of the Divinity Faculty at McGill, as Smith is only just now returning from a two months' trip across Islam and may not yet have returned to McGill. Dean Thomson is fully acquainted with the plans for the Institute and I am sure would be glad to write you about them.

Yours sincerely,

John Marshall

Mr. George S. Mitchell
Southern Regional Council, Inc.
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

JM:MEN

African Inst.

RECEIVED
NOV 30 1951
Southern Regional Counc

THE UNIVERSITY OF NEW MEXICO
ALBUQUERQUE

DEPARTMENT OF SOCIOLOGY

November 27, 1951

Mr. George S. Mitchell
Executive Director
Southern Regional Council, Inc.
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Mr. Mitchell:

Thank you for your letter of November 19 and for the report on the Institute at Northwestern University. I also appreciate the other information in your letter and will continue to promote interest in the idea for a permanent Institute at this end. I will keep you informed of any progress.

I hope it will not inconvenience you if I keep the report on the Northwestern session for about a week longer so that I may show it to a few colleagues. I will see that it is kept intact and returned to you. I hope you will be able to visit Albuquerque sometime and appreciate your invitation to drop in on you if I ever get to Atlanta.

Very sincerely yours,

Paul Walter, Jr.

Paul Walter, Jr.

W:rg

November 19, 1951

Mr. Paul Walter, Jr., Head
Department of Sociology
The University of New Mexico
Albuquerque, N. M.

Dear Mr. Walter:

I greatly appreciate your letter. So nice to hear from somebody with the same interest.

Emmett Murphy's address is: 6401 South Kimbark, Chicago, Illinois. He is studying at the University of Chicago.

The Institute at Northwestern was organized by Mr. M. J. Herskovits. He very kindly sent me a complete file of the mimeographed summaries issued during the Institute. I tied them together and am mailing them to you. They are emphatically a loan, and I will be most grateful if you will get them back to me in a tolerably short while. It was impressed upon me by Murphy that the summaries were not public, but I am sure I do not trespass in sending them to you.

I have been trying to find somebody in the South who would put up money for an institute in some Southern city. It is a pity that hereabouts, where a third of our population is of African descent, no one shows the faintest interest in modern African affairs. Must say, I haven't had any luck, though I am still trying.

The New York Times a couple of weeks ago carried a notice that the Rockefeller Foundation had financed at McGill University an Institute of Islamic Studies. I have written the man at McGill for information.

I have been proceeding on the assumption that the State Department would like to be underpinned by three or four university departments or institutes scattered over the country, specializing separately in various fields of African knowledge—languages, anthropology, geography, history, etc. Left alone, the State Department would, I expect, be midwife to two or three such centers exclusively in the Northeast or Northcentral States. Let's join forces, and you push for one in the Southwest and I'll push for one in the Southeast.

I've had a nibble of interest in New Orleans.

Albuquerque is one of my desired destinations, but I don't know when I will ever get there again. Meanwhile, if you reach these parts, do come to Atlanta.

Folder herewith on this Southern Regional Council.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec
Encl.
Dictated but not read.

THE UNIVERSITY OF NEW MEXICO
ALBUQUERQUE

DEPARTMENT OF SOCIOLOGY

November 13, 1951

RECEIVED
NOV 19 1951
Southern Regional Council

Mr. George S. Mitchell, Executive Director
Southern Regional Council
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear Mr. Mitchell:

I have just read the article, "Our Stake in Africa," by Emmett J. Murphy in The New South. I would like very much to obtain further information on the Institute on Contemporary Africa held last summer at Northwestern University. Could you tell me who at Northwestern could give me such information, or could you give me the address of Mr. Murphy?

In a letter from Mr. Graham Young of the Union of South Africa, who has been traveling in this country, I learned that you are much interested in his idea of establishing a permanent Institute for the Study of African Affairs. I am also much interested in this idea, and would like to see it implemented as soon as possible, having in mind that perhaps one of the Foundations might help to finance such a venture. Apparently Mr. Young, himself, does not plan to take the initiative in the establishment of such an Institute, and I wonder if those of us who are interested might work out some kind of definite project.

I will appreciate greatly hearing from you.

Very sincerely yours,

Paul Walter Jr

Paul Walter, Jr., Head
Department of Sociology

PW:as

December 14, 1951

Mr. Paul Walter, Jr.
Department of Sociology
The University of New Mexico
Albuquerque, N. M.

Dear Mr. Walter:

Thank you for the Northwestern Institute material that came back safe and sound.

I will remember about you and about the University of New Mexico's interest in the whole matter, and will let you know whatever I can find out from time to time.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

THE UNIVERSITY OF NEW MEXICO
ALBUQUERQUE

DEPARTMENT OF SOCIOLOGY

December 8, 1951

RECEIVED
DEC 13 1951
Southern Regional Council

Mr. George S. Mitchell
Executive Director
Southern Regional Council, Inc.
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Mr. Mitchell:

Under separate cover I am returning to you the summaries of the Northwestern Institute. I hope I have not kept them too long. I have showed them to several of my colleagues here and they have expressed a good deal of interest.

Dr. Hill of our Department of Anthropology is writing to Mr. Herskovits to learn if he can what plans Northwestern may have for a permanent Institute.

We would like to be kept informed of any developments in regard to plans for such an Institute and feel that we would have a good deal to offer in any kind of joint arrangement. I will also keep you informed of any further developments here.

Very sincerely yours,

Paul Walter, Jr.

Paul Walter, Jr.

W:rg

20 9

January 24, 1950

Mr. William W. Gibbs
Rinehart & Gibbs
Ingraham Building
Miami 2, Florida

Dear Mr. Gibbs:

I had intended to tell you about this young man, A. Babbs Fafunwa, 60 Cookman Hall, Bethune-Cookman College, Daytona Beach. He is president of a quite recently formed African Student Union. There are some 500 African students in this country. They pay their own way, meet some discouragement from the British they say, and, of course, have a difficult time because of the exchange. They come here for what Mr. Fafunwa described as a "World View." I met with the nine or ten who are at Bethune-Cookman. There are five more at Edward Waters and eight or so at Tallahassee.

It seemed to me that these young people's chances of getting a world view were not too good under present circumstances, and that we might all do something toward getting them invited for appearances at church or church missionary groups or for student gatherings.

Mr. Fafunwa himself is most presentable and well spoken. Tehir English is hard but with close attention, quite understandable.

If you can contrive anything that would add to the breadth of their educational experience in this country, I am sure you would be helping.

Sincerely,

George S. Mitchell
Executive Director

GSM:wgd

African Stu

February 10, 1950

Mr. A. Babbs Fafunwa
Bethune-Cookman College
Daytona Beach, Fla.

Dear Mr. Fafunwa:

I appreciated your letter. Two or three people here at the Council are writing to friends in Deland with the view to making things easier for the next young people who go over for examinations at Stetson. I am glad you let us know.

My best wishes to all your friends. Let the Council help you in any way it can.

Sincerely,

George S. Mitchell
Executive Director

GSM:wgd

Bethune-Cookman College

Daytona Beach, Florida

MARY McLEOD BETHUNE
FOUNDER PRESIDENT-EMERITUS

MATTHEW S. DAVAGE
CHAIRMAN, TRUSTEE BOARD

RICHARD V. MOORE, PRESIDENT

HERBERT M. DAVIDSON
CHAIRMAN, EXECUTIVE COMMITTEE OF THE TRUSTEE BOARD

BERTHA L. MITCHELL
SECRETARY-TREASURER

HUMANITIES DIVISION

RECEIVED
FEB 7 1950
Southern Regional Council

2/6/50

My dear Doctor Mitchell,

I am happy to write you at last. I heard from Mr Weisiger the other day and I am exceptionally happy to hear from him. His interest in our aspirations as a growing people is appreciated. As a matter of fact anybody who is a friend of Africa is a good friend of mine. Happily you are one.

May I express the sentiments of the group by saying 'thank you' for your call and we shall be earnestly looking forward to meet you whenever you come down to Daytona Beach or when we find our way across the Florida-Georgia line.

Thanks immensely for contacting the Universities and I hope they in turn will rise to the occasion.

I went to take the Graduate Record Examination at Stetson University the other day and I suffered many indignities despite my protest that I am a foreign student who was just there for two days for the exam. The manager of the Cafeteria on the campus told me he didn't care a mite from where I come. I am just colored and out I must go. I don't know, Dr Mitchell, but this is a very sorry affair. That's why I am not in the habit of leaving the campus for anywhere — to avoid any mental torture as a human being who has his dignity to protect. I only hope that things will change for the better in due course.

Kindly let us hear from you again. You can depend on it, if we have any problem or some other matters in which your help is needed, we shall not hesitate to ask.

Best wishes to your family and friends.

Yours sincerely

A. Babs Fafunwa

P.S.

Those pamphlets are very educational, interesting and encouraging. I wish your humanistic organization the best of luck.

A. Babs Fafunwa

February 8, 1950

Mr. Darrell Randall
1661 East 82nd Street
Cleveland 3, Ohio

Dear Mr. Randall:

That was most kind indeed of you to sit down and write me with advice on how to pursue my African project. I will so pursue.

Meanwhile, if the Council can help you in any way let us know, We all enjoyed your visit very much.

Sincerely,

George S. Mitchell
Executive Director

GSM:wgd

African Students

Atlanta, Georgia
January 30, 1950

Dr. George Mitchell
63 Auburn Avenue
Atlanta 3, Georgia

RECEIVED
JAN 31 1950
Southern Regional Council

Dear Dr. Mitchell,

It was a real pleasure to make your acquaintance today and to learn about the splendid work you folks are doing with the Southern Regional Council.

I am also very glad to know that a man with your background is taking the interest that you are in these problems. Personally, I don't think that a person can adequately understand the implications of the problems of Africa, for instance, without understanding the economic factors. There are not many people in Africa, who are working with missions and educational institutions, who have this understanding, in the areas I saw. I only spent three years in Africa, but I did get to visit most of the important educational centers.

I certainly hope that your plans for an African Affairs Council work out. It will not only help Africa, but will also help us look at some of our own problems and traditional thinking which needs revison at strategic points.

You asked me for the names and addresses of interested individuals:

Dr. Emory Ross, Africa Secretary, Foreign Missions Conf., 156 Fifth Ave., N.Y.

Dr. Eugene Smith, Executive Secretary, Methodist Bd. Missions, 150 Fifth Ave., N.Y.

Dr. Raymond Archer, Africa Sec., Methodist Board of Missions, 150 Fifth Ave., N.Y.

Dr. Richard Reuling, Africa Sec., American Bd. of Missions, 14 Beacon St., Boston.

Miss Sallie Lou MacKinnon, Africa Sec., Women's Division of the Methodist Board of Missions, 150 Fifth Ave., New York 11, N.Y.

Bishop Newell S. Booth, Methodist Bishop, Box 522, Elisabethville, Belgian Congo.

Bishop King, Methodist Bishop, Monrovia, Liberia

Bishop Harris, Episcopal Bishop, Monrovia, Liberia

Dr. Liston Pope, Dean, Yale Divinity School, Yale University, New Haven, Conn.

Dr. Channing Tobias, Phelps-Stokes Fund, in New York City (You probably have the address.)

These are the names and addresses that I can remember now. Later, I can help with other references. The people above are progressive Christian liberal leaders, and will be interested in your idea. Keep me in touch with your program. If I can help you in any other way, please let me know.

Sincerely,

Darrell Randall

Darrell Randall

Home address: 1661 East 82nd Street, Cleveland, Ohio.

African Student

February 10, 1950

Mr. Morton McDonald
120 West New York Ave.
Deland, Florida

Dear Mr. McDonald:

On my last visit to Daytona, I made an opportunity go go out to Bethune-Cookman College and meet for a while with the ten or eleven students from Africa who are there. They are interesting young people, and, each, of course, represented enormous sacrifice by their parents. Passage is $750.00, the exchange is agains them, and the British don't want them to come over here. Too, they get no Fullbright Aid. They come for a "world view."

There are somewhere between four and five hundred of them in this country altogether. They had a convention at Bethune-Cookman last Christmas Time and set up an African Students Council, and elected one of the Bethune-Cookmen young poeple A. Babbs Fafunwa, as President. He is quite a presentable young man, speaks good English, and has good personsality and dignity.

As I traveled about Florida, I tried to reach a few people in church groups and in colleges who could do what might be possible to get some of these visitors into contact with American life in general. They could be asked to speak at missionary societies or at college religious gatherings or something of that sort. There are eight or nine more at Tallahassee and four or five at Edward Waters.

I had a letter today from Mr. Fafunwa thanking me for my visit. He went on to say that he had lately gone to Deland and taken the Graduate Record Examination at Stetson University and had suffered many indignities in spite of his protest that he was a foreign student just there two days for the examination. Accordingly, the Manager of the Cafeteria on the campus told him that he (the manager) did not care a mite from where he came, that he was just colored and out he must go. "I don't know, Dr. Mitchell but this is a very sorry affair. That's why I am not in the habit of leaving the campus for anywhere--to avoid any mental torture as a human being, who has his dignity to protect. I only hope that things will change for the better in due course."

Of course, I realize that at any given time these things are insoluable. Yet, it is possible by careful arrangement to provide a kind of courtesy. A good many southern white colleges worked it out in the early post war period whenNegro veterans

were to be at campases having Veterans Service Centers where veterans of any race in certain catagories were to take vocations tests, etc.; I believe the Veterans Administration, by contact with the college, arranged that lodging and entertainment would be available for Negro veterans on campasses where they were remote from town

I merely take the liberty of writing this to you as one who I know is sincere and will share concern. I never advocate a stir in these matters, but I thought that, perhaps, by letting you know about it, you might in some quiet way contrive this or that that would for future contacts ease the problem for students.

Sincerely,

George S. Mitchell
Executive Director

GSM:wgd

May 13, 1950

Mr. George Britt
Managing Editor, The Survey
Survey Associates, Inc.
112 East 19th Street
New York 3, New York

Dear Mr. Britt:

Your secretary, Miss Gallagher, kindly wrote on May 8 about the New York Times story on African students. Here are a couple of copies of the original article.

We are also happy to send at her request two copies of Race in the News. This latter has done a remarkable amount of good. Papers all over the South are blossoming out into courtesy titles, pictures of Negro activities, and good stories and headlines fairly made. We think we have accomplished more with that little pamphlet than with anything else we have put out.

Sincerely,

George S. Mitchell
Executive Director

GSM:er

Encls.

SURVEY ASSOCIATES, Inc. • Publishers of THE SURVEY
112 East 19 Street • New York 3, N. Y. • Telephone ALgonquin 4-7490

May 8, 1950

Dr. George S. Mitchell, Exec. Dir.
Southern Regional Council
Atlanta, Ga.

Dear Dr. Mitchell:

The Survey has been much interested in your suggestion reported in the N.Y.Times of May first that white churches and colleges in the South invite African students attending Negro college to take part in talks or discussion gatherings. And in this connection we should appreciate it very much if you could send us a copy of the pamphlet "Race in the News" issued last October.

Sincerely,

Hannah Gallagher

Secretary to George Britt
Managing Editor

gb g e

RECEIVED
MAY 11 1950
Southern Regional Council

New South w. African Students 5/13/50
Report sent to all on list exc. SRC members
(and Herald Tribune reprint

MEMBERS OF THE COMMITTEE FOR AFRICAN STUDENTS IN NORTH AMERICA
(CASNA)

Dr. Emory Ross, Chairman
156 Fifth Avenue
New York 10, N.Y.

Dr. Channing H. Tobias, Personal Counsellor
101 Park Avenue
New York 17, N.Y.

Mr. Harry H. Pierson
2 W. 45th St.
New York 19, N.Y.

Mr. Lloyd M. Baryorh
1239 Lawrence St., N.E.
Washington, D.C.

Mr. Thomas M. Campbell
Tuskegee Institute, Alabama

Mr. Daniel J. Chapman
Department of Trusteeship
United Nations
Lake Success, N.Y.

Rev. John J. Considine
Maryknoll Seminary
Maryknoll, N.Y.

Dr. Melville J. Herskovits
Northwestern University
Evanston, Ill.

Dr. Charles S. Johnson
Fisk University
Nashville, Tenn.

Father John LaFarge, S.J.
Campion House
329 W. 108th St.
New York 25, N.Y.

Dr. Alain LeRoy Locke
Howard University
Washington, D.C.

Miss Sallie Lou MacKinnon
150 Fifth Avenue
New York 11, N.Y.

Dr. T. F. McIlwraith
University of Toronto
Toronto, Ontario, Canada

Dr. Benjamin E. Mays
Morehouse College
Atlanta, Ga.

Dr. Alonzo G. Moron
Hampton Institute
Hampton, Virginia

Mrs. Celestine G. Mott
International House
500 Riverside Drive
New York 27, N.Y.

Dr. W. Bryant Mumford
Department of Public Information
United Nations
Lake Success, N.Y.

Rev. Mother E. M. O'Byrne, R.S.H.
Manhattanville College of the Sacred Heart
West 133rd St. at Convent Avenue
New York, N.Y.

Rev. J. Benjamin Schmoker
291 Broadway
New York 7, N.Y.

Dr. William E. Stevenson
Oberlin College
Oberlin, Ohio

Miss Olivia P. Stokes
420 W. 145th St.
New York 31, N.Y.

Mr. J. Richard Toven
Office of the Registrar
New York University
Washington Square
New York, N.Y.

Dr. H. A. Wieschhoff
Trusteeship Department
United Nations
Lake Success, N.Y.

May 13, 1950

Mr. Emory Ross
Committee for African Students in North America
156 Fifth Avenue
New York 10, New York

Dear Mr. Ross:

Many thanks for your kind letter of May 9 with its list of people to whom I should send the article about African students.

I am, of course, most happy to get these off to your friends.

Sincerely,

George S. Mitchell
Executive Director

GSM:er

Committee for African Students in North America

(CASNA)

Chairman: EMORY ROSS
156 Fifth Avenue, New York 10, N. Y.
Cables: Formiscon NewYork

Vice-Chairman: FATHER JOHN LAFARGE, S. J.
329 W. 108th Street, New York 25, N. Y.

Academic Counsellor: EDGAR J. FISHER
2 W. 45th Street, New York 19, N. Y.

Personal Counsellor: CHANNING H. TOBIAS
101 Park Avenue, New York 16, N. Y.
Cables: Stokesfund NewYork

May 9, 1950

RECEIVED
MAY 11 1950
Southern Regional Council

George S. Mitchell, Esquire
Executive Director
Southern Regional Council
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear Mr. Mitchell:

I appreciate your good article in the March issue of the NEW SOUTH on "African Students in this Country."

Enclosed is a list of the membership of CASNA. I wonder if you would care to send a copy of the NEW SOUTH to such of these persons as are not already on your mailing list.

With every good wish,

Faithfully yours,

Emory Ross

er jh

COMMITTEE FOR AFRICAN STUDENTS IN NORTH AMERICA

THOMAS M. CAMPBELL
Field Agent, U. S. Department of Agriculture in seven Southern states.

D. H. DAUGHERTY
Secretary, Committee on Negro Studies, American Council of Learned Societies.

EDGAR J. FISHER
Assistant Director, Institute of International Education.

MELVILLE J. HERSKOVITS
Professor of Anthropology, Northwestern University.

CHARLES S. JOHNSON
President, Fisk University.

ISAAC LEON KANDEL
Professor, Teachers College, Columbia University.

FATHER JOHN LAFARGE, S. J.
Editor of *America*.

ALAIN LEROY LOCKE
Professor of Philosophy, Howard University.

MISS SALLIE LOU MACKINNON
Secretary for Africa and Europe, Woman's Division of Christian Service, Board of Missions and Church Extension of the Methodist Church.

T. F. MCILWRAITH
Professor of Anthropology, University of Toronto; Associate Director of the Royal Ontario Museum of Archaeology.

W. BRYANT MUMFORD
Special Assistant for Coordination with Specialized Agencies and Planning, Department of Public Information, United Nations.

EMORY ROSS
Executive Secretary, Africa Committee, Foreign Missions Conference of North America.

GEORGE W. SADLER
Secretary for Africa, Europe and the Near East, Board of Foreign Missions of the Southern Baptist Convention.

WHITNEY H. SHEPARDSON
Director, British Dominions and Colonies Fund of Carnegie Corporation of New York.

STEPHEN H. STACKPOLE
(*Alternate for Dr. Shepardson*)
Assistant Director, British Dominions and Colonies Fund of Carnegie Corporation of New York.

MISS OLIVIA P. STOKES
Assistant Director of the Baptist Educational Center, New York.

CHANNING H. TOBIAS
Director, Phelps Stokes Fund.

H. A. WIESCHHOFF
Chief, Research Section, Trusteeship Division of the Trusteeship Department, United Nations.

ADDRESS OFFICIAL COMMUNICATIONS TO
THE SECRETARY OF STATE
WASHINGTON 25, D. C.

DEPARTMENT OF STATE
WASHINGTON

African

RECEIVED
JUN 22 1950
Southern Regional Council

Folder
Wash Trip

June 19, 1950

Dear Mr. Mitchell:

Thank you very much for sending me a copy of your note on the African student survey. We are glad to report that there have been some very constructive steps taken as a result of it and the affairs of the African students seem to be becoming more and more organized. The various West African Governments are appointing welfare officers for the students to be attached to the British Embassy here in Washington, and the Institute of International Education is setting up a separate division to assist the students. In addition, financial assistance is being offered by the West African Governments and by private groups in this country.

If at any time you are in Washington, we would be very happy to have you call at our office.

Sincerely yours,

Ruth Sloan

Ruth C. Sloan
African Area
Public Affairs Staff

Mr. George S. Mitchell,
Executive Director,
Southern Regional Council,
63 Auburn Avenue, N.E.
Atlanta 3, Georgia.

S. Pine Bluff
African Students

July 26, 1951

Mr. Ocie Lee Smith
1500 Bishop St.
Little Rock, Ark.

Dear Ocie Lee:

I have just been out on a longish trip and am most pleased to find the two shingles that you have added to our leaky roof.

I was in New York and went to see a gal named Ruth Haines, who is connected with the Committee on Friendly Relations among Foreign Students, at 291 Broadway, New York. It seems to be hooked on to the YMCA. I told her that I and our people would try to be helpful over the South, particularly on African students in Southern colleges.

"Well and good," she said, "and please try to ease the situation of the African students at Pine Bluff.

I don't know just what is wrong at Pine Bluff, but evidently there has been some difficulty about one, two, or more of the African students.

Could you lend an ear and tell me what you hear? I thought perhaps I could write to some appropriate members of ours (white) thereabouts and ask, and you try to arrange home hospitality or church hospitality for some of the students.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

...supported the Hutchins ...ned some of his feelings on the ...

Technology, is associate director of "operation X."

...ternational co... collegiate Athletics Commis... report, and the MAROON case.

CHICAGO MAROON

University of Chicago, December 14, 1951 31

Nigerian student injured in pub

Hit on head, kicked out

by David Zimmerman

Analiefo Adibuah, a Nigerian UC student in mathematical biophysics, received injuries to his lips and mouth last Friday night when he was beaten while making a purchase at the Drexel Pub, 855 E. 55th street.

Adibuah, in a MAROON interview Tuesday, said that he entered the tavern shortly after 11:30 p.m. Friday and ordered several bottles of ginger-ale from the bartender, John Carrol.

While his order was being filled, said Adibuah, a customer down the bar aimed several derogatory remarks about "niggers" in his direction. Before picking up his purchase, Adibuah turned to see who was making the comments.

At this point, the customer lunged at him saying, "Who do you think you are looking at, nigger?" He then attacked Adibuah, attempting to push him off his feet. Adibuah resisted, until he saw the bartender coming toward them. Thinking that the bartender was coming to his aid, he attempted to pick up his package and leave.

Carrol, the bartender, then struck him in the back of the head, and when Adibuah turned around, Carrol hit him in the face, splitting his lips and loosening a front tooth.

Pushed into street

The blow knocked Adibuah against the bar. He was then pushed bodily into the street by Carrol.

(Carrol, in an interview with the MAROON Monday, maintained, that Adibuah's story was completely false and that Adibuah had started the incident when he "called the white guy names.")

(Adibuah, Carroll claimed, put down his packages, and "started swinging at him (the customer)." Carrol also said that Adibuah hit him, and that he had a scar between his eyes where he had been hit.)

Later that night, accompanied by his roommates, Chimere Ikoku and Mr. Chuke Arah, and a guest, UC student Henry Finck, Adibuah returned to the bar in order to find out why the attack was made.

Upon entering the bar, the bartender grabbed Adibuah by the

see "Nigerian," page 2

Two more judges named to Court; Kahn made chief

SG Tuesday filled the remaining student seats on the Student-Faculty-Administration Court by electing Haskell Deutsch (Social Sciences), for a two-year term and David Kahn (Law) for a one-year term.

Charlotte Toll, who was elected last week, and Frank Logan and Herbert Vetter, who retain office from last year, are the other student justices.

David Kahn was chosen chief justice.

Representing the administration on the court will be Mrs. Ruth McCarn, assistant dean of students. The two faculty justices have not yet been selected.

The court, which was established last year as an agency of the Student Government Assembly, has jurisdiction over " all cases arising under the Statute of the Powers of Student Government and the operation thereof upon the student organizations."

NSA starts investigation

The National Student Association will begin its investigation of the MAROON'S suspension Monday at 2:30 p.m. when Sylvia Bacon, NSA vice-president in charge of student affairs, will conduct an open hearing on campus. Miss Bacon will be accompanied by two other representaives from the association.

Action taken on campus

Action on the beating suffered by UC student Analiefo Adibuah last Friday night in a 55th street tavern is being taken by several groups on campus including the Administration, SG, the House Council of International House and the Committee to Combat Race Discrimination Against Foreign Students at UC, a group formed Monday when a group of interested American and foreign students met at Adibuah's home.

Mrs. Ruth McCarn, assistant dean of students, said, in a MAROON interview, "I assured them (Adibuah and Finck) . . . the dean of students office would do everything it could to see they were treated justly. . . . We are supporting them by our presence in court. (William Birenbaum, director of student activities, attended the trial as UC administration representative and said that he would also be at the continuation.) We do this for any student who is in trouble."

SG passes resolution

SG is acting on a resolution brought up by James Goodfriend and Arthur Bierman and passed at the Tuesday night meeting. The resolution states ". . . the Student Government Civil Liberties Committee in conjunction with the Executive Council shall investigate the facts. If the facts . . . are determined to be (sufficient to) warrant student action, the committee shall consider the following remedial measures and take steps to effectuate those which they deem appropriate: (the first three measures include sending letters to tavern owners and to Alderman Merriam, and recommending boycott of the tavern by UC students until the policy of the tavern is changed.

"4) That any or all of the following recommendations be submitted to the University administration: that the administration advise the Hyde Park police captain of the position of the University . . . that the administration apply . . . 'social sanctions' . . . against the owners . . . that the administration grant legal aid and assistance to all foreign students."

see "Action," page 2

↓ OVER ↓

African Students in U.S.

CHICAGO MAROON

"Peace, pure and simple"—Robert Maynard Hutchins

Issued once weekly by the publisher, The Chicago Maroon, at the publication office, 5706 South University Avenue, Chicago 37, Illinois. Telephones: Editorial Office, MIdway 3-0800, Ext. 1012; Business and Advertising Offices, MIdway 3-0800, Ext. 1011. Distributed free of charge, and subscriptions by mail, $4 per year.

John V. Hurst
Editor-in-chief

David Zimmerman
Business Manager

From the MAROON Constitution, Article VI: To become effective as voicing the opinion of the Chicago MAROON editorials must receive a two-thirds majority of the affirmative and negative votes cast at the meeting considering them. Editorials rceiving a simple majority may be printed over the names of those approving, at the discretion of the author.

Urge action on slugging

Last Friday night a Nigerian student Analiefo Adibuah, was insulted by a patron in the Drexel Pub at 55th and Drexel while making a purchase and then physically attacked by the bartender as he prepared to leave with his package. When he returned with two other Nigerian students and a white student to identify the assailant, he and the white student were attacked by the bartender again and pursued down the street by the patron, who brandished a broken beer bottle and threatened to kill them.

They are attempting to prosecute their attackers through the police and the courts.

The MAROON thinks that the urgency of action on this issue will need little pressing with UC students once the facts are known. We urge the following immediate actions:

By the Student Government:

1. Condemn the act of racist violence.

2. Urge the University of Chicago administration to aid the students legally in the prosecution of the case.

3. Declare a boycott of the tavern until the bartender involved is fired and guarantees made that no such acts will occur in the future.

4. Reinstate and widely publicize the "Shop at the Sign of the 'C'" campaign. (Two years ago SG carried on a campaign to "Shop at the Sign of the 'C'," i.e., stores that proudly displayed a University "C" to demonstrate that they are non-discriminatory.)

5. Demand full cooperation with the students by the police in prosecuting the case.

By individual students:

1. Go to the tavern in person to protest.

2. Call Alderman Merriam and the police and demand that justice be done.

By the University of Chicago administration:

1. Give legal aid to the students in the prosecution of the case.

2. Announce a firm policy of fighting against discrimination and segregation in University-owned property in the community.

3. Actively join in the work of community groups striving to prevent such incidents.

4. Apply pressure to the police to insure their cooperation with the students in prosecuting the attackers.

We feel that since the police have shown indications of apathy or downright obstructionism towards this case, pressure in the form of telephone calls to the police department (Hyde Park Station—HY 3-0311) is especially important to insure that justice is done.

There has been an act of discrimination, an act of violence. Now it is up to those who believe in freedom and equality to fight and fight hard for their beliefs.

-3-

U, misc

March 31, 1952

Mr. Emmanuel M. Unaka
Xavier University
Palmetto & Pine Sts.
New Orleans 18, La.

Dear Mr. Unaka:

Thank you for your letter. Two Nigerian students here at Morehouse College, Mr. O. N. Olaku and Mr. Olatuji, have plans to work this summer in Northern New Jersey in a place that freezes Birdseye foods. One of them has been there before. They make $1.10 an hour and can live quite cheaply. They expect to save forty or fifty dollars most weeks.

You might care to write Mr. Olaku and see whether that sounds a likely plan for you.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

Emmanuel M. Unaka
XAVIER UNIVERSITY
PALMETTO AND PINE STREETS
NEW ORLEANS 18, LA.
March 27, 1952

Dr. George S. Mitchell
Southern Regional Council, Inc.
63 Auburn Avenue, N.E. Atlanta 3,Ga.

RECEIVED
MAR 31 1952
Southern Regional Council

Dear Dr. Mitchell,

Very highly impressed by the urgency of your writing me after your departure from here. Infact, I never expected your letter at that time or even without my having written first as I did promise. This idea of your early writing coupled with the issues of the magazines sent have proved to me that you are really interested in Africa and its affairs as I have imagined from talking with you the other day. I can never forget the enjoyment I had from your speech.

I have read and re-read the magazines and still never got tired because of the interesting facts that they contain. I have passed them to my friends (both Africans and Americans), and the Americans expressed their surprise over the exposed hidding facts.

Regarding coming over there as you have suggested, that will be grant and nice. Personally, I like to visit other states and have general idea of the country but to do so, costs so much that I can't afford. I have spent my two summer vacation (since arrival) here; and I'm planning to travl this coming summer but it will be where I will find some job inorder to defray the cost of the trip and also to pay for other expense that I will have to face in fall. We have about seven days off for the Easter. But I don't think it will pay me come then.

I will like to hear from you as often as possible.

Sincerely yours,

E.M. Unaka

~~Gr. Misc.~~
Afric. Stud.

May 1, 1952

Mr. E. M. Unaka
Xavier University
Palmetto and Pine Sts.
New Orleans 18, La.

Dear Mr. Unaka:

I called Mr. Olaku yesterday, and he said he had been terribly busy but that he would write you at once.

We are living, but no more.

Come to see us when you get a chance.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

E. M. Unaka
XAVIER UNIVERSITY
PALMETTO AND PINE STREETS
NEW ORLEANS 18, LA.

April 26, 1952

RECEIVED
APR 29 1952
Southern Regional Council

My dear Dr. Mitchel,

Much thanks for your letter. Excuse my delay to replay. Thanks also for the informations given regarding my finding summer job through my fellow Nigerians over there. I have written to Mr. Olatuji as you have directed me but no replay yet from him. I figure it might be that he is very busy with school work. Will you find out and let me know in your next writing.

How is life treating you? fine, I hope. How is your business progressing? I wish you every success.

We have approximately one more month for school this year.

God bless you.

Sincerely yours,

E. M. Unaka

African Student

906 Lullwater Rd., NE
Atlanta, Ga.
May 7, 1952

Mr. J. B. Blayton
239 Auburn Ave., NE
Atlanta, Ga.

Dear Mr. Blayton:

In accordance with our arrangement, I did today borrow from the Citizens Trust Company, on my personal note, due September 4, 1952, $200, repayable, with interest, as $204 September 4. This sum, together with the following stated amounts, will be cabled to Mr. Victor B. Kotun on May 8:

$50.	- George S. Mitchell
50.	- Mr. Olaku
100.	- to be lent by Mr. Olaku's fraternity
$400	- Total

The sum will be used by Mr. Kotun to pay for his passage to this country as a student intending to enter Morehouse College September, 1952.

It is my understanding that you have undertaken, in the event of Mr. Kotun's failure to repay me, to be responsible for one-third of the note.

Simply as a matter of being businesslike, I will be grateful for your kindness in letting me know that this is the arrangement.

Sincerely,

George S. Mitchell

GSM:ec

African Students

May 20, 1952

Mr. Kendall Weisiger
206-17th St., NE
Atlanta, Ga.

Dear Kendall:

Slight change in plans.

The Delta Lines boat due to sail from Monrovia May 15 sailed May 13, and Kotun could not catch it, having certain formalities still to complete. Next boat sails from Monrovia, same line, May 30. Kotun will catch it. It is due at New Orleans June 18 or 19.

Could you make your kind arrangements for your friend in New Orleans to meet Kotun on that arrival? Cancel the earlier one, for Kotun will not be on it.

Kotun is to come on up to Atlanta, and we here will steer him toward the supposed job in northern New Jersey where his friends will be.

Many thanks.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

African Students

MEMORANDUM June 20, 1952

Re: Victor B. Kotun

Destination--Bird's Eye Snider General Food Corperation, Mount Morris, N. Y.

He will join his friend Nathaniel Olaku, there. Mt. Morris is 36 miles south of Rochester. A convenient bus ride from Rochester.

Various ways of getting there:

(1) Ride any train that would put him at the railroad station at Newark, N. J. on or before 9:30 a. m. on any day. He could then ride from Newark in train operated by the Delaware Lackawana Ry, which train is called Phoebe Snow. Leaves Newark 9:43 a. m., EST. Arrives Mt. Morris, N. Y., 4:41 p. m. I have not determined whether the DL&W leaves Newark from the same station that the Pennsylvania RR uses. It's quite possible that it's from some jerkwater station, which would be a very serious matter getting him across Newark, and so on.

(2) Ride a plane operated by Capital Airlines on direct flight from Atlanta to Rochester. Fare, including tax, is $60.72. Leaves Atlanta 12:30p. m., arrives Rochester 6:18 p. m., EDST.

(3) Less desirable alternative--ride Capital Airlines plane to Pittsburgh. Leaves Atlanta 12:40 p. m., arrives Pittsburgh 3:52 p. m. At Pittsburgh he would have to undertake a long, difficult bus journey to Mt. Morris.

Olaku hopes that Kotun will haul up to Rochester for Olaku, Olaku's trunk box, now sitting in storage at Morehouse College. I have an arrangement with Mrs. Archer, Rm. 112, Gray's Hall, Morehouse College, underwhich she will, during ordinary business hours, very kindly rouse up certain other Morehouse students and fetch forth Olaku's trunk box. Her telephone number is WA 1353.

Imperative! Before Kotun leaves Atlanta he must be fetched over to the office of the Social Security Administration in the Atlanta Journal Bldg., Rm. 603, where he is to obtain a Social Security card. He can't work up there without having a card.

He can leave surplus baggage of his own in GSM's garage or at Morehouse.

(4) Of course, we could put him on a bus here, and he would eventually reach his destination, but that would be a most unpleasant way to travel. Too, he makes about $8 or $10 a day, and every day he delays getting up there means less salary for him.

Dr. L. P. Redding
February

GSM

By plane to NY city

Olaku shifted from Mt Morris, NY

Mr. Harris
1473 N. 141st St.
NY City
Adirondack 4-8616

African Student

April 28, 1952

Rev. Horace White
Plymouth Congregational Church
Cor. Canfield & Beaubien Sts.
Detroit 1, Mich.

Dear Mr. White:

This is a preliminary letter to open the question of the possibility of the Men's Club at Plymouth Church assisting an African student with a $350 loan.

One of the most likeable and interesting of the ten or twelve African students at Atlanta University is my friend Mr. Olaku. He has charmed everyone with his friendliness, ability, and his devotion to the cause of Nigerian independence and progress. Olaku has a dear friend whom Olaku is most anxious to assist in coming over to this country to study. The friend's name is Victor Bolakale Kotun. He and Olaku were at school together. Kotun is from Lagos in Nigeria. I have been shown a photograph of Kotun. Judging from it, he's a nice looking fellow.

Kotun, in laying a long-range plan to get to this country to study, went up to Liberia last year, took a teaching job 45 miles in the interior from Monrovia (at a mission school), and acquired Liberian citizenship. (Okalu tells me it is quite difficult for more than a tiny trickle of Nigerians to get British agreement to their coming to this country to study.)

Kotun has taught seven of the eight months of the school year. He gets paid for eight months only. He has saved $117, which, at Liberian mission school teaching salaries, is pretty good. It will take most of that to get his passport and a visa and the rest of the arrangings.

Olaku and a friend Olatunje have a job for this summer packing Birdseye food in New Jersey. Good-paying, hard work. They will save several hundred dollars each during the summer. They hope Kotun can get a May 15 boat and arrive over here in time to join them for the summer's work. In the fall Kotun would enter Morehouse College. Kotun has the equivalent of a high school education, some college work, and has done a year's teaching.

Kotun needs to borow $400 in order to pay for his passage here. Olaku, though poor as a church mouse, will put up $50. Olaku and Kotun guarantee to repay the $350 at the end of the summer.

I have not yet inquired into the details of Kotun's financing at Morehouse, but suppose that Mr. Mays is providing scholarship aid. Word on that later.

We have hereabouts in Atlanta Kendall Weisiger, who has managed for years for Rotary International a magnificent international scholarship aid program. Kendall knows the ins and outs of every scholarship and foreign student proposition. Kendall, however, is away at Augusta and doesn't get back for a week. I want Kendall's full discussion of this proposition and approval of it before I make any formal request to your Men's Club to root around and see if they could find $350. Kendall might have an alternative scholarship resource, or he might know things that I do not concerning passports and visas and so on.

Meanwhile, however, I would be very grateful if this letter might stand as preliminary notice that, on behalf of Mr. Kotun, I may be asking for help as indicated.

Sounds pretty cold from this far away. But these young people are part of a deadly earnest effort of the youth of that continent to train themselves for service to their whole people. And that is worth some strain for the rest of us.

I am still recalling with pleasure my visit with you and with your people.

Your Men's Club will be pleased to know that RACE AND LAW ENFORCEMENT, which they helped with so generously, is into its third printing and continues to move in good, big blocks to organizations all over the South. I sold 75 day before yesterday at a meeting of Region IV of the National Council of Negro Women, and they undertook to send committees to see the chief in many of their cities.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

African students

MEMO TO MR. OLAKU May 7, 1952
FROM GEORGE S. MITCHELL

I have today borrowed from the Citizens Trust Company, on my own personal signature, $200, on a four-months' note, repayable in the sum of $204 on September 4, 1952. This will be cabled with the balance to Mr. Kotun tomorrow.

Mr. J. B. Blayton has undertaken a one-third responsibility with me toward the repayment of this note in the event of failure by Mr. Kotun to repay me.

I wish to impress upon you and upon Mr. Kotun the critical importance of paying me well before September 4, 1952, the sum of $204.

I am also advancing, from my personal funds, $50, which sum is likewise repayable to me from Mr. Kotun. But I am agreeable on that $50 to postponing repayment until approximately December 1, 1952.

African Students

May 12, 1952

Mr. Kendall Weisiger
206-17th St., NE
Atlanta, Ga.

Dear Kendall:

That's very kind of you to offer to get Victor Bolakale Kotun onto the same basis with the others.

Here is how we financed his transportation:

Personal loan from John H. Eaves, Morehouse College	$ 15.00
Personal loan from Nathaniel Olaku, Morehouse College	67.00
Personal loan from G. S. Mitchell, address as above	50.00
Personal loan from G. S. Mitchell, who in turn borrowed this sum ($200) from the Citizens Trust Company, on G. S. Mitchell's note, due September 4, 1952	200.00
Chi Phi Chapter of Phi Beta Sigma Fraternity, Morehouse College	68.00
TOTAL	$400.00

This sum was cabled to Kotun May 8, with Nathaniel Olaku as the sender.

Kotun is expected to leave Monrovia on a ship of the Delta Lines May 15, arriving in New Orleans about June 1. We are all most grateful for your kind willingness to have Mr. Mitchell at New Orleans meet Mr. Kotun, and provide him with transportation to Atlanta. That will be a real service, and a lot of help.

Olaku and I understand that you will arrange with Kotun when he arrives for him to give notes for his travel indebtedness to the Rotary Educational Fund, and that when the Fund has been paid by Kotun, the Fund will reimburse the several creditors; namely, Olaku, John H. Eaves, G. S. Mitchell, the Chapter of the Fraternity, and the Fund itself. Another most kind service, and one that has the altogether desirable feature of putting Mr. Kotun on an even basis with the other students.

Sincerely,

George S. Mitchell
Executive Director

P. S. As to kotun, Mr. Mays has promised a four years' tuition scholarship at Morehouse, and Mr. R. O. Johnson has undertaken to provide lodging and meals for up to four years.

GSM:ec

May 12, 1952

Mr. Kendall Weisiger
206-17th St., NE
Atlanta, Ga.

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May 28, 1952

Mr. E. M. Unaka
Xavier University
Palmetto & Pine Sts.
New Orleans 18, La.

Dear Mr. Unaka:

Dr. Mitchell is out of the office, so I hasten to answer your letter of May 26, which just arrived.

I'm sure Dr. Mitchell will look forward to seeing you. You can telephone him during the day at the office, WA 7963, or in the evening at his home, DE 5961.

Sincerely,

Emily Calhoun
Secretary to George S. Mitchell

African students

RECEIVED
MAY 28 1952
Southern Regional Council

E. M. Unaka
Xavier University
New Orleans, La.
May 26, 1952

Dear Dr. Mitchell,

Kindly excuse my delay to write since you wrote last. Very much thanks for having stimulated my fellow Nigerians at the Morehouse College to write me. According to their letter's content, the arrangement is fixed and so I believe everything is left to me. Ofcourse they demanded that I be there before the 3rd inst. which I'm not sure of. However, I'm making arrangements and if they come through, I hope to be with ~~with~~ you in a couple of days. As such I will like you give me your telephone number in your earliest possible reply.

Sincerely yours,

E. M. Unaka

E. M. Unaka

African students

May 29, 1952

Mr. Nathaniel Olaku
Morehouse College
Atlanta, Ga.

Dear Olaku:

I greatly appreciate being invited to be present for the commencement at which you graduate.

How very fine that you pulled down some honors!

Keep me for one of your friends. I will watch your career with great interest.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

June 30, 1952

Mr. Kendall Weisiger
206 17th St., NE
Atlanta, Ga.

Dear Kendall:

All praise to you and the Rotary Educational Foundation of Atlanta for handling Bokale Kotun so well.

I am very sorry I missed him, and it is a comfort to have your cordial appraisal of him.

His close friend, Olaku, has left the Birdseye place, saying there was racial discrimination, poor food, and a high price for the food, and has a job at a YWHA camp fifty miles up the Hudson River at Cold Spring, New York. I have advised Olaku that Kotun is at the Birdseye place. I hope Kotun settles down there and makes out all right.

Many thanks for getting Kotun's note. And everyone is grateful to you for putting up the extra fifty dollars. When and if Kotun begins to send down money, have you some facilities for holding it until it begins to be in a lump? If not, send it on bit by bit, and I will keep accounts.

Cordially,

George S. Mitchell
Executive Director

GSM:ec

Rotary Educational Foundation of Atlanta.
INCORPORATED
308 PALMER BUILDING, ATLANTA 3, GA. TEL. WALNUT 2767

KENDALL WEISIGER
Chairman
BEATRICE B. MERCK
Secretary

27th June 1952

RECEIVED
JUN 30 1952
Southern Regional Council

Mr. George Mitchell
Southern Regional Council
Wesley Memorial Church Building
Atlanta, Georgia

Dear George:

When you behold your sponsoree - Bolakale Kotun - I am sure you will be as pleased as I have been with him. He is well appearing and he has a disarming grace that will win friends for him everywhere.

We had a difficult time in advantageously routing his journey to Rochester but finally put him on a train last night bound for Rochester and the nearby Birdseye.

I hold his note for $450 and he will make weekly remittances from his pay. These I shall transmit to you. The $50 was to cover his railroad fare and meals en route and this I advanced to him.

You have certainly wrought far better than you have thought!

Cheerio -

Kendall

Kendall Weisiger.

BRIGHTLY SHINES OUR LITTLE LIGHT !

There are two aspects of the program of Districts 240 and 241 for International Student Exchange:-

(1) That we should successfully handle the task imposed by the District Conferences;
(2) That we could set a pattern that other districts would come to emulate.

Both of these objectives have now been achieved. (1) Our sponsorship of as many as 135 students from 33 countries has set a record throughout Rotary. Our program has grown in size and popularity during the past six years. (2) Rotary International has finally recognized the value of such a program, and is now commending it to Rotary throughout the world.

In addition to the per-capita offering made by all the clubs in both districts, as many as 28 clubs have joined in the sponsorship of individual students. These are:

Americus	Dalton	Rome
Atlanta	Dawson	Savannah
Augusta	Decatur	Statesboro
Blakely	Eastman	Summerville-Trion
Cairo	Gainesville	Thomasville
Cartersville	Griffin	Thomson
Carrollton	Hawkinsville	Valdosta
Columbus	Marietta	Waycross
Cuthbert	Milledgeville	West Point
	Monroe	

It must be remembered that our students have not only done well scholastically, but each has a distinct post-college objective of recognized social, educational, economic, or governmental value.

Not only have the Rotarians enjoyed the sponsorship of these splendid students, but a great many people throughout our State have come, through flesh and blood relations with them, to have a deeper feeling for international friendship and good will, and to realize, as never before, the universality of all mankind.

Our Inter-District Committee

Fred Altstaetter	241	Charles D. Randall	240
R. B. Bloodworth	241	Will A. Watt, Chmn.	240
Guy H. Wells	241	Kendall Weisiger, Sec'y	240

Students from 18 Countries Under the Sponsorship of the Rotarians of Georgia

Wm George
This has touched me very deeply
JC

African Students

-Copy-

RECEIVED
JUL 7 1952
Southern Regional Council

Mt. Morris, N.Y.
June 30, 1952

Dear Mr. Weisiger:

Since my recent arrival from Africa at New Orleans my very short visit to the Morehouse campus in Atlanta and my arrival here I have certainly covered a great deal of ground. I began work on the day I arrived at the Birdseye Division of the General Food Corporation.

Thank you so much for making all the arrangements for my journey, for providing the transportation, for the large box of food which kept me nourished all the way to Rochester.

Now I have to thank you greatly for all you have done in my behalf. All these made deep impression in my mind. In fact, it has brought me so much satisfaction in my life. I was satisfied because here you are an American mind of a different cast who does not want just to possess a beautiful home, just to bluff others, just to point fingers on those act of the stage of life but to be a vital instrument to be used as a stepping stone, by we the under dogs.

I am praying for the spirit that is of you praying that we have plenty of you in this world. I realized the yeoman sacrifice you people are rendering us in this battling for the revival of the stature of man in Africa and that Africa will not forget your contributions toward our cause.

Truly I could scarcely say a word, when I was with you to express my gratitude but with a deep sense of appreciation I say thank you very, very much. May the Lord be with you always.

To apply on my transportation which Mr. Mitchell so generously provided I am sending you money orders each week as I receive my pay. You can rest assured that I shall live up to your expectations. I am working very hard.

I hope you are doing well and keeping fit.

Sincerely yours,

(Signed) Victor Bola Kotun

RECEIVED
JUL 7 1952
Southern Regional Counc

Dear George

These African, unspoiled by our slip-shod culture are a pleasing people - what we might absorb from them if we would only take the time to listen!

Bola is a very personable young man - so young, only 20

He will bring you much pleasure

Write to him and send him some good literature - like "Up from slavery" & Carver

Cheers

I know you better - will do

Randall

Afr Studs

June 30, 1952

Mr. Nathaniel Olaku
Surprise Lake Camp
Cold Spring, N. Y.

Dear Olaku:

Many thanks for two letters, June 15 and June 25.

I held the June 15 one waiting for Kotun. My week in town at the time of his stated arrival came and went, and I was in Florida when at last he showed hereabouts on, say, June 25. He found his way to Mr. Reddick's care on the first night. Next morning the girls here in the office advised him on getting his social security card, which he got. Mr. Reddick, or somebody, got him in touch with Kendall Weisiger. Kendall wrote me June 27 that he, Kendall, had been well pleased with Kotun as "well appearing and with a disarming grace that will win friends for him everywhere."

Kendall said they had a hard time working out the journey to Rochester, but did on the night of June 20 put Kotun on a train bound for Rochester and Birdseye. Kendall loaned Kotun an additional fifty dollars to cover Kotun's railroad fare and meals to Rochester. Kendall caused Kotun to sign a note for $450, and Kendall said Kotun would make weekly remittances from Kotun's pay to Weisiger. Weisiger said he would transmit the payments to me. I will tell Weisiger to hold them until they amount to sizeable lumps.

All of that, naturally, before your letter of June 25 came in.

My office knew when Kotun arrived that you had called Reddick and said you had moved, and that Kotun was to go to New York City. My office gave Kotun the address of the man you said he should see in New York City. But Kendall Weisiger says he put Kotun on the train for Rochester. I do hope the two of you get together.

We urged Kotun to take your trunk box up yonder, but we do not know whether Kotun did or not.

Mr. Olaku, June 30, 1952

I am coming to New York City, to be there July 8 and 9. I appear at a meeting arranged by the National Scholarship Service and Fund for Negro Students, 31 West 110th Street (up near Columbia), telephone ENright 9-6868. The head of the show is Mr. Richard L. Plaut. I may drive, and if I do, and if I can find the time, I will go on up to your neck of the woods and try to dig you out of Cold Springs.

We all did the best we could, and we hope it works somehow.

Finding you a room up near Columbia is going to be tough, but I could give you some advice on where to start. A guy named Bob Carey, who is a kind of dean at Columbia College, Hamilton Hall, at Columbia University, 116th Street, would try to be helpful. So also would Professor Horace Taylor, who teaches economics in Hamilton Hall. Or if you could find him, a professor Dwight Minor. Failing any of those, go to see the chaplain at Columbia University or his new assistant. Their office would be in Earl Hall. The first several men I have mentioned are all my friends.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

Surprise Lake Camp
of the Educational Alliance and Young Men's Hebrew Association
Cold Spring, N. Y.

RECEIVED
JUN 30 1952
Southern Regional Council

June 25, 1952

Dear Dr Mitchell,

I know you will be surprised to read from me from this end since I wrote you last from Mt. Morris. I left because of a question of racial discrimination and too much cost in food. Imagine $12.85 per week for food and it does not even work the above value. I was refused job for 5 days and I had to leave for New York City on Saturday the 21st with two of my fraternity brothers there at Mt. Morris paying my way down.

I arrived in the city on Sunday and through the influence of one of our boys from West Africa, I got this job after paying him the last $7 I had on me out of the $20 I got from the boys in Mount Morris.

This job is very interesting and it gives me a chance to participate in the camp life although I am a dish washer, yet, I am at liberty to take part in

Surprise Lake Camp

of the Educational Alliance and Young Men's Hebrew Association

Cold Spring, N. Y.

swimming, ball playing, movie showing, acting, group discussion and things of like nature. I hope to get every month $120 and the search will end by September 1st or 2nd.

I should be grateful if you and Mrs Wersiegs could help to get Kolun a job in Atlanta, for example a nursing orderly in an hospital so that we could take care of the loan before the due date. As soon as I get my pay by end of July, I want to pay off the $68 of my fraternity so that the brothers could get all their requirements by Fall. He should be able to save something close to $200 by end of August. If he works during the day and wait table in the night for work in the Library of A.U. for the summer school, he should be very close to it. Let me know what you think of this idea and what has been done so far and his arrival in Atlanta. I shall write Dr Leddick tonight too.

Greetings to Mrs Mitchell and children

Yours sincerely

N. Ohwole Okeke

PUBLIC STATIONERY

Birds-Eye Leader
General Foods Corporation
Mount Morris, New York
June 15, 1952.

RECEIVED
JUN 17 1952
Southern Regional Council

Box
Walsh
File Mary
Mrs Parker
112 Grays Hall
Mrs Archer

Atl. Jnl
Room 603

My Dear Dr Mitchell:

I am sure you must have been expecting some lines from me. We arrived here on the 6th and got to work on the 9th. The situation and the experiences have been very interesting both on the way and since my arrival.

Since Bola Katum should be getting to your end sometime this week, I think I should acquaint you with the procedure. I am suggesting that you help to see that he takes a train to Rochester, N.Y. and from there he could either take another train or bus to this end. Rochester is 36 miles from here. It is imperative that he gets a social security card from the Atlanta Journal-Constitution building so that there would be no delay as to his starting work. All plans have been made. Thanks a million for these yeoman services. I plan as soon as I get my check next Saturday to settle John Eaves' account after which we shall together jump on the Fraternity's. You should be hearing from us as to the $1204 Bank loan sometime early in July.

Please inform Bola to try and see if he could bring up my trunk box from Morehouse College, Trunk Room along with him. The fellows at Morehouse attending Summer school would help in this case.

As to the question of my graduate studies, I have finally decided on N.Y.U. School of Business. The problem I am confronted with now is to find a convenient and suitable accommodation to lodge in. The International House would not meet my needs. I plan to stay near Columbia U and take subway to school everyday. Do you have any suggestion as to whom I may contact? Your comments on this will be greatly appreciated. Please thank Mr Weisegar for his own efforts too. God will surely reward you people in copious measures.

I appreciate the contents of Mrs Mitchell and Miss Mitchell's letters. They are great. I wish I could get the chance of enjoying more the fellowship of you and your family. My hearty regards to all. Please let me hear from you sometime.

Good luck

N. Olurole Olaku

African students

apt 43D
611 W 113 Street
New York City, N.Y.
July 18, 1952

My dear Dr. Mitchell:

I find myself a victim of a sad habit that I deplore: and that is the habit of a literate deliberately failing to write you since you left us. Nevertheless it must be better now than never. Do pardon the offence which has been nursed by the putting off till tomorrow that which might have duly been accomplished today.

May I record here therefore my appreciation for all you have done and are still doing to influence my ~~brast~~ future. It was quite a pleasure to have met you and hope some day, I shall be in a better position to repay you. You are so nice.

When Olaku wrote me in Africa of the magnificient job you did in getting me hear, I was deeply moved. I was impressed. I was glad. Few moments brought me so much satisfaction

in my life. I was satisfied because here you are, an American man of a different cast, who does not want just to possess a beautiful home, just to bluff others, just to point fingers on those who act on the stage of life, but to be a vital instrument to be used as a stepping stone by ~~men~~ the underdogs. I am praying for the spirit that is of ~~us~~ you — praying that we have more of you in this sick world.

Let me say that I appreciate greatly your interest in the cause of africa and that africa will not forget your contribution towards ~~th~~ ~~because~~ the waking up of the great giant that was sleeping. A thousand thanks for your interest in our cause.

I am glad to report that I have got a situation here and by the help of the great God, we hope to get the $204 to you on or before the last week in August. We are working very glad. Thanks for giving me

ample time to pay your own part of the loan, (50 dollars) on or before Dec. 1. I am sure to live up to your expectation.

Please don't forget to make it clear to mr. Weisiger the present conditions, of the loan.

Hope you are doing well and keeping fit.- Thus with best regards to you, I am,

Very Sincerely yours,
Victor Bola Kotun

African Students

August 25, '52

Dear Olaku,

Very many thanks for your and Kotun's hard-earned $114. It is salted down against the fatal September 4, when the note is due. And thanks for forecast on the remaining $90. Your plans are excellent, and I only hope that carrying them out doesn't leave the two of you flat broke.

Air lane fare from Atlanta to Portland, Via Chicago and United Air Lines from there totals 169.40. I shouldn't be surprised but what you could do it for 90 or so from New York on some non-schedule line. Flying time Atlanta-Portland, via Chicago, 10 hours.

When you come here to go to Fort Valley let me know and I can more than likely drive you down to Fort Valley and back.

In re Ajanaku. Kendall Weisiger is well disposed toward finding loan-money for his passage. Have Ajanaku write you what ships he can get passage on, on what lines, sailing at what dates, and at what costs, to what ports, between September and January, and Kendall will consider whether he could find the loan money.

My apologies for not having answered Kotun's very nice letter. Just been busy, but haven't been unmindful of the two of you.

I am happy to do you what small kindnessms I can here, so call on my, to save you time, when you need to.

Cordially,

G.

43C
York Studios
611 W. 113th St
New York 25, N. Y.
August 21, 1952.

FILED
AUG 25 1952
Council

My Dear Dr Mitchell:

I am sure you must be expecting to hear from me as to how we are doing on the loan of $204 from the Bank through you.

I must be frank that it is the grace of God and also your confidence that are actually helping us through. The situation has been tough, but now we are happy to say we shall see our through before the dead-line.

The two of us have been fortunate about a week ago in getting jobs through a union which actually help our cause. Kotun is bagging about $40 net a week while nine is about $47 net. In order not to disappoint you and thereby disappoint myself and in my sincere love for friend, I have been sharing part of the burden right from the beginning. I am happy to do this because the grace of God is with us all the time and we are not discouraged inspite of our difficulties.

This is how the balance of $90 will be cleared after the deductions of the two money orders enclosed - totaling $114:

On Wednesday the 27th by God's power we shall send $55 and on Saturday the 30th of August the balance of $35 would be sent which I hope would

reach you by Tuesday the 2nd of September.

I appreciate the confidence you have in me and you will find me in my own little way trying to live up to my word.

It is very important that I should seek your help again in getting Mr Wiesager to make the Rotary International help pay the passage of one of our boys who is going to study education. I am adopting the same method like that of Kotun. I am contacting Dr Troup of Fort Valley State College on this and try to get a scholarship with room and board. I am sure the boy's qualifications will speak for him and I will be willing to make my widow's mite contribution in case the Rotary should desire same. I must have to see this boy's case through with the help of God because he is as dear to me as Kotun and my relatives at home have made references to this to prove my sincerity and friendship to one who was ~~been~~ with me during thick and thin at home when others have deserted me. I must be frank, Dr., I am obligated to this cause, I cannot shun it. I get God's grace through this as he is helping me in all ways in this country.

I am thinking of going to U. of Washington in Seattle as soon as my papers and arrangements are through. It is cheaper there than N.Y.U with $2400 a year and I could get relatively the something up there. If everything works out well, I hope to see you in Atlanta by the 22nd of September where I must finalize my immigration arrangements and also rush to Fort Valley State College

P.T.O.

to see that the whole matter is settled as it is our intention to see that the boy, Akin OLAMIJU AJANAKU starts here early in January for the second semester, if not before.

I believe in yours and Mr Weisegger's support in this arduous task. You may hint him on this project so that when I bump into the two of you in Atlanta, a decision could be reached before going on my way to the North-West.

Would you please help to check on the cost of plane travel from Atlanta to Portland, Oregon and the number of hours the flight will take? (early) I have to stop there for two or three days before going to school.

Bola Ratum and I send our hearty greetings to you, your family, Mr Weisegger and the staff of Southern Regional Council. Good luck and please let me hear from you soon.

Yours sincerely

N. Olusola Olatu

WA2677
2267

P.S. Please pardon my scratches as the above were written late in the night. N.O.O.

169.40
VAK. via Chicago
10 hrs

Mr. Students

September 2, 1952

Mr. Victor B. Kotun
611 W. 113th St., Apt. 43-C
New York, N. Y.

Dear Mr. Kotun:

My apologies for not answering your earlier letter, and my much praise and thanks for your kindness and for writing August 29 with the full and final payment of the sum of $204. I have sent in a check to the Citizens Trust Company to discharge my note to them, which, by their notice to me, was not, in any case, due until September 7. But it is a comfort to me, as I am sure it is to you, to know that that obligation is met, and fully met, and met ahead of time.

You acted like a man on that, and I appreciate it. The more, because I am sure it was a hard-won $204.

Count me your friend when you get back. Call me up or come here to the office in your first few days, please.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec
Dictated but not read.

apt 43 C
611 W 113 Street
New York City, N.Y.
August 29, 1952

RECEIVED
SEP 2 1952

Dear Dr. Mitchell,

I wrote several weeks ago but my letter was not favored with a reply. However, I do hope you are in the best of health.

Enclosed, please find a money order to the value of $90 (Ninety dollars) This is the balance of the $114 sent couple of days ago. I am glad that through hard working, we are able to meet the deadline for the loan.

School begins on Sept 14, I understand, I will still have to work for two weeks before coming to Atlanta. This will enable me to save some money for my transportation books, and to defray other incidentals which my scholarship does not cover. I will see you as soon as I get to Atlanta.

Hope you are well. We do realize

the woman sacrifice you are rendering us in this battling for the revival of the stature of man in Africa and hope someday, we shall be better disposed to repay you.

With best wishes and kindest regards,

Dany

Sincerely yours,
Victor B. Kotin

Atr. Stud.

September 3, 1952

Mr. Kendall Weisiger
207 - 17th St., NE
Atlanta, Ga.

Dear Kendall:

You will be pleased to know that Mr. Victor B. Kotun completed yesterday payment to me of the sum of $204, advanced him for his passage to this country, and I have paid off the note that I had with Citizens Trust Company in that amount.

I am told that Kotun had only intermittent employment this summer, and I am sure, therefore, that his courteous and perfectly prompt payments were made only at considerable sacrifice.

I have written President Mays with my praise of this performance by this young student. I think he is a good bet.

Everyone is grateful to you and to the Rotary Educational Service for helping Kotun.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

Afr. Studs.

September 3, 1952

President Benjamin E. Mays
Morehouse College
Atlanta, Ga.

Dear Dr. Mays:

A word of praise for one of your incoming African students.

It will be recalled that in June Mr. Nathaniel Olaku negotiated with various people to secure admittance to Morehouse and passage to this country of his close friend, Victor B. Kotun. I had a hand in raising $250 of the passage money, most of which I obtained by a note with the Citizens Trust Company. Mr. Kotun was to pay off the note toward the end of this summer. He kept in touch with me during the summer, informed me ahead of time of each payment that he would make, and sent down the sum in full several days before the expiration of the note.

I know that his employment this summer was intermittent only, and that the steepish payments could have been made only at the cost of very considerable sacrifice by him, and probably also by his friend Olaku. I think it should go down on his record that he performed in this matter with most perfect courtesy and integrity.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

Af. Studs.

September 3, 1952

Mr. J. B. Blayton, Sr.
Herndon Bldg.
Atlanta, Ga.

Dear Mr. Blayton:

Small item of good news!

You will remember your real kindness last June in taking on a contingent liability in the matter of a loan I obtained from the Citizens Trust Company of $204, to finance in part the passage money to this country for Mr. Victor B. Kotun, a Nigerian student wishing to enter Morehouse College.

Mr. Kotun sent me yesterday the final installment of the complete amount of $204, and I have now discharged entirely the note with the Citizens Trust Company. So that your conscience can be clear of any remote liability in the matter.

Mr. Kotun met his obligation on time or ahead of time, and did it, I am sure, at the cost of very great sacrifice during irregular summer employment in New York City. All praise to him.

Appreciatively,

George S. Mitchell
Executive Director

GSM:ec

Afr. Stud.

September 26, 1952

Mr. Victor B. Kotun
c/o Dr. M. O. Johnson
1153 Fountain Dr., SW
Atlanta, Ga.

Dear Mr. Kotun:

I was just wandering around yesterday morning. Do come down sometime when you have time. I will be in the office, as far as I know, all next week and all day long. The telephone here is either WA. 1821 or WA. 7963.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

Morehouse College
Atlanta
Sept 25, 1952

RECEIVED
SEP 26 1952
Southern Regional Council

Dear Dr. Mitchell,

Dean Brazeal told me that you called at the campus this morning. I'm sorry I did not get to see you. It was ~~How~~ nice of you to have stopped by.

I got in on Sunday night. We were busy with Registration ~~and~~ (Monday & Tuesday) and that kept me so busy. Classes began yesterday.

I wanted to come to your office but did not know how to get there by bus. I checked through the Directory to see if I could get your office Phone No. but did not. Hope to see you anyhow.

If I know your office hours, I shall try to call there one afternoon. My classes run from 8 00 am – 12 40 pm (Monday through Saturday). That made it impossible for me to see you during the morning hours.

Hope you are well. Thus with best regards, I am,

Sincerely yours,
Victor B. Koturn.

P.S. I might mention that I stay with Dr. R. O. Johnson at 1155 Fountain Dr. S.W.

African Students

October 3, 1952

Mr. N. Oluwole Olaku
Apt. 43-C
York Studios
611 W. 113th St.
New York 25, N. Y.

Dear Olaku:

Some people to see:

(1) Mr. Channing Tobias, Phelps-Stokes Fund, 101 Park Avenue, New York. As you know, the Phelps-Stokes Fund has long had an interest in African matters, and one of the things Mr. Tobias has done is to make arrangements for what assistance could be had for the needs of African students in this country. I do not know of any instances in which the Phelps-Stokes Fund has itself helped in these matters lately, but Tobias knows all of the people who might help.

The YMCA, at its headquarters in New York City, operates some kind of international student aid fund that does help stranded students from Africa. The YMCA's office is 291 Broadway. On their downstairs directory you will find listed some sort of international student aid committee.

Robert Carey, Student Dean, Hamilton Hall, Columbia College, Columbia University. That is near the northeast corner of 116th and Amsterdam. Statue of Alexander Hamilton on the corner. Bob Carey is my old friend, and he will give you good advice, though he has no money.

The Carnegie Foundation also operates some kind of student service business. Tobias or his office would know all about it. The Carnegie people will say that they don't make loans to individuals. But if they liked you, I am pretty sure they could get you some help.

Last resort: Richard Plaut, National Scholarship Service and Fund for Negro Students, 31 W. 110th St., New York. Concerned only with a scholarship program for U.S.A. students. Only a cousinly interest in our problem. But Richard Plaut, who runs it, is widely informed and influential, and could pull some strings for you.

Mr. Olaku, Oct. 3, 1952

On Weisiger: better if you write him yourself, direct. He would probably consult me, and I would advise him aright. But I have asked him for so many favors lately, I hesitate to bring up your problem myself with him.

Still another last resort: Robert W. Hudgens, Director, American International Association for Economic and Social Development, 45 Rockefeller Plaza, Room 968; or his assistant, James G. Maddox; or another assistant, Arthur McLawhon. No direct connection with your kind of need, but influential people, and all three my close friends.

Still another: Dig up Horace Cayton. Writes a column for various Negro newspapers. I think lives in Brooklyn. Any Negro newspaper could put you in touch with him. My close friend. And could explain to you all the ins and outs of Negro New York and America.

You would do no harm in looking up again my friend Harry Wright. Business address: 271 W. 125th St. Home address: 2171 Madison Ave., Apt. 5-E. You remember you and Kotun and I went to his home one evening. He never has any money himself, but he knows a lot of people.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

October 3, 1952

TO WHOM IT MAY CONCERN:

This will introduce Mr. N. Oluwole Olaku.

I got to know Mr. Olaku during his undergraduate career at Morehouse College in Atlanta University. He is an exceptionally able and promising student. He has gone on now to New York University for graduate work, and unexpectedly confronts a stoppage of funds from home.

I vouch in every way for his seriousness of purpose, quickness of mind, and financial integrity. I have fresh proof of this latter, from the circumstance that I myself in June advanced $200 toward passage money to this country of an intimate friend of Olaku's. The friend, in good measure with Olaku's own aid, repaid the $200, on the nail, from proceeds of summer employment in New York City. This was a difficult operation for these two young men, and it was much to their credit that they carried it through as covenanted.

Olaku is richly worth every aid that can be contrived for his further education.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

RECEIVED
OCT 3 1952
Southern Regional Council

Apt. 43C
York Studios
611 W. 113th Street
New York 25, N.Y.
October 2, 1952

My Dear Dr. Mitchell,

Thanks a lot for the fine reception and aid given during my short visit to Atlanta. I planned to see you before I left, but I found this impossible as I was rushed to the Bus Station by Dr. Reddick.

Since I have been up here, I have not been able to make both ends meet at all as my people at home have not answered my request and the way things are going now, it seems that my support may be cut off and thus get me stranded. I have registered at New York University Graduate School of Business Administration and all my classes are in the night, but one. My fees have not be paid waiting till when I hear from home, I am owing my landlord and pity of it all, I am eating on a borrowed money. I am still looking for job that will help me somehow if even I should be fortunate in getting some aid from home or here.

It will be appreciative if you can introduce me to somepeople around here or some organization that I may seek aid from in helping me to realize my life's ambition. If you think that I can get a loan through Mr. Weiseger from the Rotary International, it would be greatly appreciated and as soon as I finish my studies, I will work to pay back the debt.

I am enclosing herewith two of the letters from dad to give you an idea of what is actually happening. The whole thing is all a breach of contract. It came at an unexpected time and when I have not been warned before hand of their intentions. Please return the enclosed letters with your reply.

My best regards to the other members of your family and the staff of the Southern Regional Council.

Awaiting your reply at your earliest convenience,

Yours sincerely,

N. Oluwole Olaku

Mr. Adams

November 26, 1952

Mr. Victor B. Kotun
1155 Fountain Dr., SW
Atlanta, Ga.

Dear Victor:

What a very nice letter you sent! Sorry I missed you; next time I'll try to let you know ahead. But I was merely cruising around while my wife put in time at the concert.

African matters get nearer to a crisis, I can see.

Most kind of you and of Kendall Weisiger to work out that arrangement about the fifty dollars. I expect I'll hear from Kendall in due time.

Come to see us.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

Afr. Students

1155 Fountain Dr. S.W.
Atlanta, Ga.
November 24, 1952

RECEIVED
NOV 26 1952
Southern Regional Council

Dr. George S. Mitchell
Southern Regional Council
63 Auburn Avenue, N.E.
Atlanta, Ga.

Dear Dr. Mitchell:

Dr. Johnson told me that you stopped by yesterday. I went to the program at Clark College, and that was the only diversion I have had for the past three weeks. Thanks ever so much for calling.

Life at Morehouse College is always a busy one and I find it difficult to do anything besides studying and working in certain projects on the campus, being a Representative of the Student Council. I hardly get out of this "sheltering sanctuary" at all.

However I am glad to report that I am doing well and I find my classes very interesting. I do like the school and I am learning more by coming here. Not only have I gained new knowledge from solid text-books, but I have come to realise that life is worth every second and there's a lot to do in this "sick" world. The greatest thing about knowledge is that the more one learns, the more there is yet to learn - knowledge is so unconquerable!!

Oh, yes, I did not tell you but Mr. Weisiger has agreed to pay your $50 and that when I go up to work in New York next summer, this shall be refunded to him. It is very nice of him and I am wondering whether you have heard from him.

I do hope you are following very closely the world events. As I sit down here this evening, I am thinking of man's injustice to man; Africa - her peoples and her problems; the world and its problems or maybe its headaches. I wish I knew what the answers are to the many questions I ask myself. These surely are the times that try men's souls.

It makes one fighting mad to read about such gross injustices that are being meted on our people in Africa. I suppose many of the governmental officials are so arrogant and supercilious that they don't even attempt to convince our people that anything is being done to ameliorate conditions. Many people have told deliberate lies about Africa and our people in order to justify their exploitation of our people and our natural wealth. I am not prepared to say what the solution is to such problems as exist in South Africa. I am not a pacifist because I do believe that there are some people who will respect nothing but might. At the same time I wouldn't advocate our people to fight against the overwhelming odds of modern war weapons when they can fight more effectively against oppression by what I would call civil disobedience or more specifically, non-cooperation with the oppressor. I was just thinking about the various ways other oppressed people have won some degree of freedom. Civil disobedience is certainly the weapon.

I'm now thinknig of the conditions and factors that led to the American Revolution - taxation without representation etc. History bears out the fact that the colonists were justified in taking the

matters into their own hands.

But many Europeans and Americans have the audacity to preen themselves on being the most civilized people now in existence, and on being such God fearing Christians. I agree that most of them are or can be very civilized but they do some very reproachful things in the name of Christianity.

During the war, Joe Louis said, "we will win the war because we are on God's side." It was well publicized. I wonder how many Europeans can say they have the right to suppress the masses of their African colonies because they (the Europeans) are on God's side. You can take a little bit of blood from a healthy person periodically but you will kill him if you take large amount too often.

I think Olaku is getting on all right in New York and I have heard from him of recent.

Hope you are doing well and keeping fit. Please remember me to Mrs. Mitchell and the girls.

Sincerely,

Victor B. Kotun

Victor B. Kotun

AFRICAN STUDENTS' ASSOCIATION

ATLANTA BRANCH

PRESENTS

"OSISIGANYAN"

(DANCE OF THE ELITE)

SATURDAY NIGHT, MAY 9, 1953 - 8:15

DAVAGE AUDITORIUM **CLARK COLLEGE**

Statement About The Occasion

The African Student's Association of North America, of which our Branch (Atlanta Branch) is but a part, exists on the campuses of American Universities and Colleges where African students who are conscious of their duties and responsibilities, not only to Africa but to the American public, live and study. The Association was not organized for the mere desire of adding to the multiplicity of associations already extant in America. It was rather the crystalization of the thoughts of our predecessors as they racked their brains in search of possible ways of meeting the challenges hurled at them as Africans and as foreign students in a foreign land.

The Association was born with aims. One of such aims, as is emphasized in the preamble of our Branch's Constitution, is "The promotion of better understanding of Africa and the cultivation of friendly relations among other peoples."

It is in pursuit of this vital aim and goal that we of this Association present this "Osisiganyan" tonight in this University Centre to the public of Atlanta. It is our hope and prayer that those of you who have elected to witness this program as well as support our feeble effort will have an inkling of our culture and an idea of what *it used to be, is, and is becoming* as it simmers in the melting pot of a dynamic world culture. In this program we feature aspects of social life in Nigeria, Liberia, and Sierra Leone.

* * *

OFFICERS OF THE ASSOCIATION

President.....Asumoh E. Bassey
Honorary Secretary.....Etuk U. Essien
Chairman, Program Committee.....Michael B. Olatunji
Treasurer.....Godwin A. Odenigwe
Publicity Officer.....Akin A. Akiwowo

ROSTER

Akiwowo, Akin A.
Bassey, Asumoh E.
Essien, Etuk U.
Essien, Etim A.
Kotun, Victor B.
Odenigwe, Godwin A.
Ogunsanya, James O.
Olatunji, Michael B.
Ukut, Joseph N.

* * *

HONORARY MEMBER

Mrs. Margaret Davis Bowen

Foreword

A visitor to Africa will come in contact with a variety of dance styles. Dance customs vary from section to section, but there is a common pattern — the dancers' steps synchronize with the rythms of drums. As one lands at Lagos (Nigeria) and travels into Yorubaland, one is sure to come in contact with "Kete," a dance of twists and turns very popular among the lads and reminiscent of the past. The Yorubas in Western Nigeria are noted for their artistic ingenuity. From them comes the "Kori," a fertility dance. The "Osisiganyan" is also Yoruba but very popular in the Itsekri State. As one enters Eastern Nigeria, one finds among the Ibibios the "Itembe" dance, a kind of ballroom dance with peculiar African "knocks." The "Abang" dance is also peculiar to Ibibio State. The dancers are mainly young girls who hover around during Christmas time, while "the man" makes "wall-flowers" out of them. "Ekong" is a chivalrous dance of the Ibibios reminiscent of the past age. The market scene is just one corner in a "super-market" in the open air. Even in the market music is common. In fact Africa is a land of mirth. The solo drummer is just typical of those who live by drumming as a profession. The "Ashiko" is a kind of ballroom samba common to all areas, but peculiar to Freetown in Sierra Leone. From Liberia comes the "Quadrille," a Western dance Africanized.

In order to appreciate the polyrhythmic African music, close observation is necessary. You can detect the separate elements of gong-gong, drums, rattle and sometimes, hand-claps combine to allure the listening ears.

PART I

Address of Welcome.....*Asumoh E. Bassey*
President

Sunset and contact causes nostalgia.....*African Student and an American Girl*

Itembe.....*Group*
A bluffing lad amongst "wall-flowers" in Ibibioland.

Song : "Go down, Donkey, sitting".....*Group*
(A song of African sailors ashore at Lagos)

Kete.....*Akin Akiwowo*
A popular country dance of twists and turns in Yorubaland.

Song : "Bela Asuquo".....*Group*
A popular song in Ibibioland.

Abang.....*Corps d'Abang*
Girls at Christmas time in Ibibioland.

Song : "Totofioko"
A clown at the court.

Ekong.....*Dance*
The past in Ibibioland.

"Market Day in Yorubaland".....*Group*

* * *

INTERMISSION

PART II

Nostalgia and the old familiar places.....*African Student and an American Girl*

Quadrille.....*Group*

A Western dance Africanized in Liberia.

Music Demonstration.....*Michael Olatunji*

Drumming as profession and entertainment.

Osisiganyan.....*Ensemble*

A dance of the elite in Itsekri State.

Song: "Everybody Likes Saturday Nite".....*Group*

Saturday Nite is called "soup nite" in Nigeria.

Ashiko.....*Group*

A samba-like dance.

Recognition and motion of thanks.....*Michael Olatunji*

Chairman of Activating and Program Committees.

Kori.....*Ensemble*

A fertility dance in Yorubaland.

* * *

DURING THE INTERMISSION SELECTIONS OF AFRICAN RECORDS WILL BE PLAYED.

THE CAST

Drummers	Dancers	
Mike Olatunji	Rogermae Johnson	Doris Pegram
Etuk Essien	Marsyl Delisser	Evelyn Johnson
Nti' Ukut	Gloria Wiseman	Mamie Butler
Etim Essien	Eula Jones	Aurelia Eggleston
Jemi Ogunsanya	Rebecca Jackson	Carolyn Witcher
Anibeze Odenigwe	Etim Akpan Essien	Akin A. Akiwowo
Asumoh Ekukinam	Victor Kotun	Asumoh Bassey
Akinsola Akiwowo	Joseph N. Ukut	

* * *

PRODUCTION STAFF

Choreography and Directing.....Akin Akiwowo, Ntikut Ukut, Etim Essien

Pianist.....Rebecca Jackson

Costume Committee.....Mamie Butler, Akin Akiwowo, Ntikut Ukut, Etim Essien

Lighting Technicians.....Joseph Morgan, Charles Teamer

Stage Supervisors.....James Ogunsanya, Anibeze Odenigwe

Chairman of Activating Committee.....Michael Olatunji

Planners.....Michael Olatunji, Etuk Essien, Asumoh Bassey

Co-ordinator.....Asumoh Bassey

* * *

ANNOUNCEMENTS

May 9, 1953 The show "Osisiganyan," 8:15 P. M. Davage Auditorium, Clark College.

May 11, 1953 Opening of African Cultural Exhibition. 10:00 A. M. to 5:00 P. M. daily. Trevor Arnett Library, Atlanta University.

May 12, 1953 Forum and free movie, "Nigeria's New Constitution." Exhibition Room, Trevor Arnett Library, Atlanta University.

May 13, 1953 Africa Day Observance, Sale Hall Chapel, Morehouse College, 9:00 A. M.

Patrons

Miss Frankie Adams
Chief W. H. Aiken
Mr. T. M. Alexander
Mrs. G. Alston
Miss Barbara Baskerville
Dr. R. A. Billings
Dr. Brailsford R. Brazeal
Mr. J. B. Blayton
Mr. A. Russell Brooks
Dr. William M. Boyd
Mrs. Margaret D. Bowen
Mrs. Mildred Turk Brown
Dr. & Mrs. R. H. Brisbane
Dr. William Burney
Mrs. Carmen Carter
Mr. & Mrs. Broadnax Collie
Mr. G. L. Chandler
Dr. R. C. Cornell
Dr. R. L. Chamberlain
Mrs. R. E. Clement
Dr. R. D. Darby
Dr. A. M. Davis
Mrs. G. L. Edwards
Mr. Franklin L. Forbes
Mrs. Lucy C. Grigsby
Dr. G. A. Howell
Mrs. Alphonse S. Hunnicut
Dr. G. L. Hightower
Dr. J. B. Harris
Mr. L. R. Hicklen
Mrs. Ola Mae Harris
Mrs. Freddye Henderson
Dr. Viola J. Hill
Mr. Willis Laurence James
Mrs. Marjorie Johnson
Dr. R. O. Johnson
Dr. Melvin Kennedy
Rev. & Mrs. L. M. King
Dr. Hylan Lewis
Dr. H. L. Lang
Dr. S. M. Lewis
Rev. J. H. Lockett
Mrs. M. Lippman
Mrs. M. Louise
Mrs. Frances Logan
Miss Olivia V. Lockhart
Mr. B. F. Logan
Mr. S. E. De Lorme
Rev. & Mrs. T. Matthews
Dr. & Mrs. B. E. Mays
Mrs. A. B. McCoy
Mr. L. D. Milton
Mr. J. H. Penn
Mr. W. F. Payne
Miss Lola B. Peek
Dr. & Mrs. L. D. Reddick
Miss Mildred L. Smith
Mr. C. C. Shanks
Dr. Hugo Skala
Mr. W. J. Shaw
Mr. R. O. Sutton
Miss Lucille Simmons
Mr. R. H. Sprayberry
Miss Katheryne Tibbs
Mrs. Zenobia G. Terry
Miss Bettie Troutman
Dr. G. B. Warren
Mr. Kendall Weisiger
Dr. J. L. Williams
Mr. E. L. Wright
Dr. Charles Wahl
Mr. & Mrs. Samuel L. Williams
Miss Ethel Werfel
Mr. John P. Whittaker
Dr. & Mrs. Forrester B. Washington
Dr. Melvin H. Watson
Mr. J. L. Wolfe

* * *

ACKNOWLEDGMENT

To the female members of the cast for unprecedented cooperation in the production of this show.

To Clark College for allowing the use of the auditorium.

To members of the Atlanta community who helped in various ways.

African

May 11, 1953

Mr. Victor B. Kotum
1155 Fountain Dr., SW
Atlanta, Ga.

Dear Victor:

Very many thanks for your heartwarming letter. I appreciate your kind remarks, and return your praises to you; the victory in all these hard matters is yours.

Here's the excellent article back. The best things written these last few weeks about African matters have been by just such youngsters as yourself. They show a notable new quality and determination, that will get their proper rewards.

Dance business was fine; interesting, skillful, and at a sustained pace that had a professional quality. Congratulations to the whole cast.

I had a note from Olaku. Doing all right, though times, I can see, are hard. Will finish at NYU this August, and hopes to do some work at Columbia U. next year.

Come to see me.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec
Encl.

1155 Fountain Dr. S.W.
Atlanta, Ga
5/6/53

Dear Dr. Mitchell,

Let me bend down now and write to you. It has been a busy moment for me throughout. I have been busy with my studies, collecting materials for my term-papers, attending practices for the forthcoming cultural program that I did not have time to eat my meals or get above minimum of sleep. I am now beginning to come alive again. I do hope you are doing fine as well as enjoying the season.

It was nice being at your place the other day.

I heard from Olaku several days ago and I quote: "Tell Dr. Mitchell I want to write him of my success in getting myself through school and not my failure, hence my not writing since. But as soon as my fees are paid, I'll write him immediately to tell him of this good news."

I am sure he is doing O.K. and I hope to see him in Summer.

You already know that the African Students Association is putting up a cultural program on May 9, at Davage Auditorium, Clark College. It promises to be a good performance. You may want to witness it.

I hope you are keeping abreast with world events. I think the world is just crazy. When power accumulates too much, power explodes. I guess a third world war might give "primitive" Africa a release. That is why I am taking it easy! I believe on no theories. All I want is freedom for Africa to manage its own affairs as an independent nation. Imperialism & Communism are **useless** for Africa. We want Africanism and that is all.

I am taking the fullest advantage of my opportunity to make all the friends ~~that~~ I can for myself, to the end that international relations may be bettered thereby.

I am interested in all peoples of the world and believe that the africans, Asians, Europeans are as good as the Americans. They are primitiveness, ignorance and foolishness that segregate. I have confidence in the youths of the present generation. They can begin where our elders have left (failed) and carry successfully through - regarding all human beings as equal and worthy to be treated as such in the eyes ~~of the~~ of others and the law. I believe in all local leaders of Africa and trust they can set the fire of revolution ablaze some day. I believe in all religions of mankind as long as such religions teach and practice love, unity, co-operation and labor. And I believe in you because I have been inspired by your yeoman sacrifice to humanity and I have myself been made bold to follow your foot-steps by your speeches, fatherly advice and personal life. You have kindled the light that has shown Oleku and I the paths to

self-realization, to the upliftment of our common world, and to the service of our fellow man.

In the light of that knowledge of which you have been the source, I now dedicate my life afresh to strive for a better Africa and a better world.

Hope you are well. Thus with best regards to you, Mrs. Mitchell and the girls, I am,

Sincerely yours,
Victor B. Tolkin

P/S
Enclosed is the article on Kenya that I was talking about the other day. That is the only copy I have, and I would appreciate your sending it back to me later on.

African

May 11, 1953

Mr. Nathaniel Olaku
42A York Studios
611 W. 113th St.
N. Y. 25, N. Y.

Dear Olaku:

Very many thanks for your good letter. I am sure that for all your cheerfulness you have had a hard struggle. I wish I could directly help you. But keep going, and you'll be the stronger man for these experiences. The Columbia decision is fine. Do go there, you will benefit a lot.

The Mitchell family greatly enjoyed the enclosed program; it was done with grace and skill, and at a moving pace that had a professional quality about it. Kotun performed well, so did Akiwowo; Olatunji was great on his drums, and Ekut, I think, was the star.

Let me know how it all goes.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

RECEIVED
MAY 9
Southern Regional Council

42A York Studios
611 West 113th St.
New York 25, N.Y.
May 6, 1953

Dear Dr. Mitchell,

I am sure you must have been wondering why you have not heard from me. I have my reason, and this is to keep my word that I will report my progress when I think I have the situation on hand or under control.

First of all, I have to thank you greatly for the suggestions you offered as to the people I should see for assistance when I informed you about my unfortunate circumstance at the beginning of the school year. I got in touch with those people, but nothing worthwhile financially came out; however, the moral suggestions of the people helped.

Briefly, I have been able to see the first semester through, ~~by~~ through the help of some ministers of the Episcopal Church, and what I am making in my work at Saint Luke's Hospital; ~~and~~ during this second semester, I got an aid from the Institute of International Education which actually is helping in seeing me through this semester and possibly the first part of the summer session. All being well, I am planning to finish by October, try to find work with a Bank or an Export House while at the same time studying at Columbia University in Banking and Marketing for the ensuing year.

I hope all is well with the Mitchell's family. My regards to them. Thanks a million for your great help. Hope to see you sometime .

Goodluck,

Sincerely yours,

N. Oluwole Olaku

June 1, 1953

Personnel Office
American Friends Service Committee
20 S. 12th St.
Philadelphia 7, Pa.

Dear Friends:

You sent me a questionnaire about Victor Kotun. I know Victor Kotun pretty well, but I guess I don't know him well enough to fit him into the various categories specifically asked about on the form. So let me just tell you what I know.

In Nigeria he was an intimate friend to an exceptionally able young fellow named Olaku, who came over to Morehouse College three or four years ago. Olaku made friends on every hand, studied well, and is doing graduate work now at New York University or Columbia. Lives at 42A York Studios, 611 W. 113th St., in New York. Olaku and Kotun had been companions in some sort of youth movement in Nigeria which put on a demonstration and which, I think, fell under the mild displeasure of the British colonial authorities. What I draw out of that is that the two worked together in emergent Nigerian youth nationalism. And Olaku is smart enough to see that this fellow Kotun, who stood up thus early, at 18 or so, has potentialities for Nigerian leadership later on.

Wherefore, Olaku toiled mightily to get Kotun over here. I lent three or four hundred dollars. The Rotary Educational Fund hereabouts put up some more. We paid his passage, and over he came. Most miraculous of all, one of the professors at Atlanta University undertook to provide Kotun with board and lodging for four years, while the boy made his way, all moneyless, through Morehouse.

Kotun has been here for one college year. Does well in his studies. He and I have had two or three visits together down here in the office and a couple at my home. And I have seen him once or twice where he lives. He is a boy of sincere principles, excellent conduct and character. I must say, he is remarkably silent. On most occasions when I have been with him in mixed company, it has been the dickens to get him to talk. He can write,

and he writes smoothly and with punch. I think it is just a case of still water running deep. Olaku was all bubbly with easy friendship. Kotun is as friendly as can be, but it is certainly not superficial.

I really think he is a choice young fellow, and to have him in a seminar group will be a rewarding experience for the rest and for him. He is nice looking and has the nicest of manners and has pride and dignity and sensitiveness. He just isn't babbly.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

NOTE:

We will appreciate your returning this reference to us as soon as possible. It is necessary that we notify the applicant of our decision immediately. Thank you.

16168

Chairman
HENRY J. CADBURY

Executive Secretary
LEWIS M. HOSKINS

Honorary Secretary
CLARENCE E. PICKETT

American Friends Service Committee
INCORPORATED
Twenty South Twelfth Street
Philadelphia 7, Pennsylvania
Telephone, RITTENHOUSE 6-9372

Dr. George S. Mitchell
Southern Regional Council
63 Auburn Ave., N.E.
Atlanta, Ga.

May 28, 1953
RE: Victor Kotun

Dear Friend: INTERNATIONAL STUDENT SEMINARS

The above-named person has applied to the American Friends Service Committee for participation in a Volunteer Service Project. We understand that you are acquainted with the applicant, and we would greatly appreciate having your judgment of this person. For information about the project for which this reference is being completed, we are enclosing a brief description of each of the Volunteer Service Projects.

Also enclosed is a form which may be used either in making your evaluation of the applicant, or as suggestive of the kind of information you might want to include in a letter. Any additional comments you would care to make would also be very helpful.

We call to your attention one factor common to all projects: each is, in a sense, an experiment in group living. One challenge which all share is that of adjusting to living with a group of people, with varying backgrounds of race, nationality, religion, and economic status, as well as assuming cooperatively with these persons, responsibilities for planning and carrying out a number of activities.

It may interest you to know that each applicant suggests four persons as references. Since we rarely have the opportunity in this office to interview project applicants, your evaluations are very important to us.

Your early reply will be appreciated and will enable us to give the applicant an early decision. We would like to be able to acknowledge the receipt of each reference returned to us, but due to the volume of our work, we are unable to do so. Thank you for your cooperation. The Service Committee appreciates your efforts on behalf of the applicant.

Sincerely yours,

Folsen Hunt

Projects Personnel Office

encs.

African

June 16, 1953

The National City Bank of New York
Personnel Department
55 Wall Street
New York 15, N. Y.

Dear Sirs:

I knew Mr. Olaku pretty well during his last two years at Atlanta University--50-51 and 51-52. And I have seen him once or twice since he has gone up to New York.

Okaku was quite outstanding on his college campus, both among his own group of African students and among the student body in general. He has a compellingly engaging personality. Kindness, cooperativeness, sprightliness, etc.; and yet he is serious and thoughtful. Did well in his studies. Has been businesslike and enterprising in finding private employment in New York City. It is really amazing that a young fellow straight from Nigeria could make his way around so well.

I would pick him for any job he thinks he can do. Honest, competent, and a bucker-upper to any group he is with.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

The National City Bank of New York
ESTABLISHED 1812
TRUST AFFILIATE
CITY BANK FARMERS TRUST COMPANY
New York, N.Y.
CABLE ADDRESS "CITIBANK"

June 11, 1953

PER

RE: N. OLUWOLE OLAKU

RECEIVED
JUN 15
Southern Regi

Dr. George S. Mitchell
63 Aubron Avenue, N.E.
Altanta, Georgia

Dear Dr. Mitchell:

We are considering the person whose name appears above for a position as Typist and your name has been given as a personal reference.

We shall appreciate it if you will give us in confidence the opinion you have formed of the applicant's character and ability.

Very truly yours,

C. S. Welch

C. S. Welch, Ass't Vice President
Personnel Department

African

June 18, 1953

Mr. Victor B. Kotun
611 W. 113th St., Apt. 44-A
New York, N. Y.

Dear Victor:

My few remaining New York friends are not of much use, as Olaku will testify. He made the round of them some months ago. Get him to give you the letter I wrote him then, and go to see any of them you will, and describe your and my friendship. But I am afraid all you will get out of them is what Olaku got: moral encouragement.

I will be this week-end at a conference where a lot of big rich people, some of them from New York, will be, and I will try to find there somebody who might pick you up. If so, I will give the man your address and urge him to do something.

Try my friend Harry Wright. His office is at 271 West 125th Street. Telephone—Monument 6-2083. Home address: 2171 Madison Avenue, Apartment 5-E.

I want to help, but honestly, there isn't much I can do.

Yes the AFSC did write me, and I said you were a good egg.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

611 W. 113 St - apt 44A
New York City, N.Y.
6/17/53

RECEIVED
JUN 18
Southern Regional Council

Dear Dr. Mitchell:

I am sorry I did not get to see you before leaving Atlanta. Everything was just in a rush.

Finally got here on Monday morning and since then, I have been looking for a job. It has now reached a climax, but still, I'm not giving up hope.

I was supposed to work for Messrs. Weil & Damsky Inc, but when I ~~was~~ visited them on Monday, I was made to understand that they already have a full compliment of their personnel. I cannot work at the Hospital, because they pay $22.00 a week to start with and that is just like working from hand to mouth. In fact that job is meant for medical students. I am not and as such it is useless working there - no matter what experience I might accumulate.

I am still exploring some areas, but I am wondering whether you cannot give me the addresses of some people

whom you think I should contact for help in getting a situation.

Olaku is now working at the National City Bank of N.Y. Someone made the contact for him and he started last week.

Please do what you can. I know that it would bear more weight if someone in your position should recommend me to someone.

By the way, did you receive any information from the American Friends Service Committee? The dean suggested that I attend such a seminar in my senior year, and I have abandoned that plan.

I shall be too glad to hear from you at your earliest convenience.

With best wishes & kindest regards,

Sincerely yours,

Victor B. Kotun

African ✓ ~~Kotun~~

September 9, 1953

Mr. Frank S. Loescher
414 S. 46
Philadelphia, Pa.

Dear Frank:

Sorry to call on you for a job so soon after you get back, but I've got a young friend in some distress in Philadelphia, and you could do a good deal to get him into workable channels.

The tale goes back to a Nigerian student at Morehouse College here named Nathaniel Olaku, who graduated a year ago and has been making his way at New York University since. Olaku is a honey. Everybody's friend and full of energy. Olaku told several of us that the one young fellow whom he most wanted to bring over to this country was Victor Kotun. I never got quite the straight of it, but I guessed that Olaku and Kotun, as late teen-agers, together were in some shindig, nationalistic in character, which the British didn't like. Kotun taught for a year in Liberia and came over here June '52 on a Liberian passport. Olaku had worked out a deal for Kotun under which Kotun was to stay in the home of one of the professors at Atlanta University, who undertook to feed and lodge Kotun for four straight years--an amazingly generous offer. Various of us rustled around and scared up Kotun's passage money. Morehouse gave him a scholarship. Kotun and Olaku worked the sommer of '52, and Kotun (and Olaku too) paid off great gobs of his debt for passage money, and so on.

The boy did all right at Morehouse this past year. Grave; mature of thought; genuinely religious, with that special fervor of those reached by able missionaries (a Baptist?); excessively silent conversationally; but full, expressive, and soberly responsible in the written word. He went up to New York this summer for a job and stayed where Olaku stays. Had a hard time getting work, and in mid-summer went down to Philadelphia and worked as a laborer. Hard physical work was probably too much for a thinnish student's body, and he came down with fevers and trouble, but worked on. Got robbed in his wretched lodgings. Still, he paid back a hundred dollars to one of his Atlanta scholarship aiders.

Now he gets word that his professor's home at Morehouse won't be open to him. The professor has picked him a room at Morehouse and told him how much his room will be, etc. The boy writes me today that he isn't going back to Morehouse, but will stay on and fight his way through college in Philadelphia, somehow.

I don't know what the business at Morehouse was about. Trust Kotun to have been honorable and decent.

Will you fetch him up into fresh air and see what ought to be done? He has asked the Rotary Educational Fund here in Atlanta for a $500 loan. May well get it. I will see what I can do about that.

Anyhow, I don't suppose he knows a soul in educated circles in Philadelphia. Thing I want to say is that I know the boy pretty well and have 100% confidence in his competence, character, and purpose.

I and West Africa will thank you for whatever you can do to get him in a course he should follow. Address: 699 North Broad Street, #209.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

September 9, 1953

Ray Steinberg
Fellowship House
1431 Brown St.
Philadelphia, Pa.

Dear Ray:

We just received today a letter from an African student now in Philadelphia, containing a recital of his financial woes. He had been going to Morehouse College here in Atlanta on a scholarship, and went up North to make some money during the summer. He was ill, and he got robbed, and to top it off, the man who was subsidizing him here notified him just the other day that the subsidy was at an end.

Since the boy has saved up no money to live on this fall, he's decided to stay in Philadelphia and try to work and go to school. My boss has put him in touch with Frank Loescher and a few other people who might be able to help, and I wrote him that you all would be nice to him and give him moral support (and probably advice about where to live), anyway. (You all is plural, and refers to all the people at Fellowship House.)

His name is Victor Kotun. Comes from Nigeria. He's serious and extremely shy. Expresses himself well on paper, and made good grades at Morehouse.

If he does drop by to see you, I'll appreciate your making him at home and doing what you can to cheer him up.

I'll be hoping to see you and Lu and all the others in a few weeks.

Sincerely,

Emily Calhoun

September 9, 1953

Mr. Victor B. Kotun
699 N. Broad St., #209
Philadelphia 23, Pa.

Dear Victor:

Sorry you've had so much trouble. I'm sure you have done a man's part. I talked this morning with Frank Loescher in Philadelphia. Home address, 414 South 46. Telephone, Sherwood 7-0277. He says he will go out to your address this afternoon and try to find you and check over with you what is to be done. He is back only ten days or so from nearly a year in South Africa, for one of the foundations. Can give you excellent advice.

Other friends thereabouts: Richard Bennett, American Friends Service Committee, 20 South 12th Street, Philadelphia 7. Telephone, RIttenhouse 6-9372.

Emily Calhoun, Pendle Hill School, Plush Mill Road, Wallingford, Pennsylvania. Arrives September 19. That's out in the suburbs. Telephone, MEdia 6-4507. She's been my secretary for the last two years. Quaker girl. New to Philadelphia, but could put you in touch with helpful people. You remember her, and she remembers you.

William H. Gray, Jr., formerly president of Florida A&M College at Tallahassee, now secretary of the Philadelphia Commission on Human Relations, or whatever it is called. It may be called the Governor's Committeeon Employment, or something of that sort. He is a Negro and my good friend. He would advise you. Might be able to find people to help you.

I will talk to Kendall Weisiger and hope he will come through with a loan. I don't see how you have paid him back in the splendid way you have when you have had so many distresses.

You are quite right that you have a duty to fight on through and get a notable education. There are mountains waiting for you to life when you get back.

Mr. Victor Kotun, Sept. 9, 1953

The best college anywhere around Philadelphia is Swarthmore. Don't know whether you could get in, but if you did get in, you would be very lucky.

At Haverford College, which is no great remove from Philadelphia, the professor of sociology is Ira deA. Reid, who used to work with this Council and was for years professor at Atlanta University. Man of much distinction. Negro. Could help you if he should care to.

If you could find David Billikopf, he could be very helpful. His father was a student of my father's. David's father achieved great financial stature in Philadelphia and led many of the charitable purposes of the city. Has been dead several years. David is wealthy in his own right. I don't know whether he is reachable in Philadelphia or not. May be in South America. I would not speak to others of Billikopf, but if you can locate him and visit him and use my name, you will find him a true friend to have.

If I had any money, I would send you some, but I am literally without any.

If I can at any time do you any favor at Morehouse, I will be glad to. That goes for obtaining a transcript of your record there, rush-rush, or anything of the sort.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

IMPORTANT

699 N. Broad St. #209
Philadelphia 23, Pa.
9/7/53.

Dear Dr. Mitchell,

By now you surely must have given up on me! I could rattle off the usual excuses, but instead I'll just tell you that I honestly have been undergoing a rough summer. I sincerely apologise for my inability to write.

After I got your last letter, I landed a job as a laborer (Road Construction). But as my body

could not get adjusted to the conditions of work (you know what that implies - fever, low resistance, headache & fatigue) & had to quit the job.

So I moved here to Phila - to work at Campbell Soup Co, Camden, N.J. Because of hunger and the adjustment I had to make from a College student to a factory laborer, I was very ill, and had to work for 11, 12 even 15 hours nevertheless. Then I was disturbed by the ugliness of my room

and the inadequate provisions made for our comfort. If only we have four of us here, we would have made the authority become ~~an~~ more aware of our presence and their own injustice too. However, the season will soon be over.

Fate has been trying it very hard with me this summer. By that, I mean that I was robbed here three weeks ago — all my money — clothes and other valuables. The Police is still investigating the matter. Since then

I have been working very hard to make the two ends of the robe to meet - ~~for~~ besides paying the sum of $150 due Mr. Weisiger, I will still need about $200 ~~for~~ to meet my incidental expenses, books etc. for the ~~path~~ academic year 1953-4. Believe me Sir, I know what heartache means, and that is one of the sad experiences one has to undergo in a foreign land. I am sending 100 dollars to Mr. Weisiger today.

Another sad news

that I have for you is that Dr. R. O. Johnson, who agreed to provide meals & lodging for me for the period of 4 years that I'll be at Morehouse College, wrote me yesterday stating that he is no longer in a position to support me. I will not live in his house anymore, he said, and that I have to take care of my boarding & lodging at Morehouse Dormitory. The notice he gave me was too short (just 2 weeks ~~to~~ before the opening of the school).

He has even gone so far ~~to~~ as to make reservation for a room for me to stay on the campus and he quoted the prices that I have to pay. This was too sudden, and I can't understand why.

It was rumored last April that he had told the school authority that he would no longer support me and that I ~~would~~ will not live in his home again. When this came to my knowledge, I did not hesitate to ask him to vouch for the accuracy of the report and rumor.

He denied any knowledge of it, and told me that he has made a promise to Olahn and that he was going to live up to his promise by all means. I took him for his words. Now ~~it~~ time has proved that he had an ulterior motive in mind.

Well, Sir, I cannot return to Atlanta under such conditions. To carry a full schedule of work during the school year to pay for my board & lodging and at the same time carry a full load of

studies would be too strenuous on me. Above all, I can't live in that environment, and at Morehouse campus and be happy. Constant rumination over the whole thing will not enable me to get on well. Had he confirmed the rumor last April, I could have made the necessary arrangement possible to enable me to continue my education somewhere else. But now, at the eleventh hour — there is very little I can

do. It is too sad a situation to be in.

But come what may, I am prepared to accept the challenge and face the battle with the fortitude of my ancestors. Yes, I will present and future difficulties notwithstanding. I will not return to atlanta but rather will stay up here and work my way thro' school - if even it takes me 6 years to get my first degree. And I hope that by the help of the great arbiter of Human events, I

shall defy, successfully, those who refuse to help. It is going to be at a tremendous disadvantage and against almost insuperable odds (if the Immigration does not finally eject me from the country). One needs courage, faith in oneself, determination, and realistic ~~faith~~ hope. Yes, I'll undertake it with sober and realistic calculation of the risks involved, and the fact that others before me have achieved a modicum

of success (even without external or internal aid) vindicates the truth that I too can do it.

No, I will not return to Atlanta. I'll not accept Dr. Johnson's take-it-or-leave-it ultimatum. And time and history shall vindicate whether this uncalled for disappointment on the part of Dr. Johnson, can alter the destiny of a virgin youth like me, especially where I am awake and realise that I am born to be and that I am destined

to play a constructive and significant role in the social, political & economic advancement of my people.

If ever I have felt the pangs of disappointment in my life, it is now. For Dr. Johnson to turn his back to me at this crucial stage of the battle is a bitter pill for me to swallow, yet I'll have nothing personally against him, other than leaving him and his conscience to God and His unfathomable river of time.

And by the help of the great God, I shall survive the ordeal. I am seeking admission to any of the schools here in Phila. And I ask Mr. Weisiger for a loan of 500 dollars so that I get on fairly well, without scratching from the start. If there is any concrete way you can help, please co-operate.

Pray for me Sir, and I will at all times think of you and your fatherly encouragement and moral support.

Sincerely,
Victor B. Kotun

Agencies

Young Women's Christian Association of the United States of America

National Board

600 Lexington Avenue, New York 22, N. Y. — PLaza 3-4700 — Cable: Emissarius, N. Y.

Southern Region
63 Auburn Avenue, N. E.
Atlanta 3, Georgia
Telephone: Alpine 2381

Mrs. Robert E. Speer
Honorary President

Mrs. Arthur Forrest Anderson
President

Mrs. Edward W. Macy
Vice-President

Mrs. Bartlett B. Heard
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Mrs. Eugene Ross McCarthy
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Mrs. Charles A. Rosenberg
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Mrs. F. Beardsley Foster, Jr.
Assistant Treasurer

Mrs. Robert C. Hume
Assistant Treasurer

Mrs. Harrison S. Elliott
General Secretary

April 10, 1952

Mr. Alexander F. Miller
Suite 305
11 Pryor Street, S. W.
Atlanta, Georgia

Dear Mr. Miller:

I am picking up on the relationship with the group of people representing agencies which gathered in the office of the Southern Regional Council on February 22. Miss Harris attended the meeting in my place and has referred to me your letter of March 17 with the proposed statement on "Safety of the Person."

I have only one suggestion to make which is more in the nature of a comment. I gather from your letter and from talking with Miss Harris that there was a real effort on the part of the group to limit the number of specific areas under B in the statement to a few main ones. However it seems that if you are listing as many as four with sub headings under one of them that, the area of employment discrimination ought to be mentioned as an area of tension. If the group wished to list one or two such as housing, and law enforcement then I would think the detailing of other major areas would not be indicated.

I note that the next meeting will be in Birmingham, Alabama, May 15. I am sorry it will not be possible for any of our staff to attend since we will be attending national staff sessions in New York City at that time. However, we will appreciate having a report of the meeting for we should like to keep in touch with the kind of thinking the group is doing.

Best wishes to you and for the meeting in May.

Sincerely yours,

Mary Jane Willett

Mary Jane Willett
Correlator, Southern Region

MJW:D
Not Read

SOUTHERN REGIONAL COUNCIL

63 AUBURN AVENUE, NE

ATLANTA 3, GEORGIA

April 14, 1952

RECEIVED APR 23 1952 Southern Regional Council

RECEIVED APR 23 1952 Southern Regional Council

Dear Mr. Calhoun:

Further on the May 15 meeting in Birmingham.

One day. Begins 9:30 a. m. St. Paul Methodist Church, 1504 Sixth Avenue, North.

Invited, all agencies on the directory sent you recently, plus one or two omitted representatives of listed agencies.

Reports from the special committees on housing needs and the general background of tensions in the South.

No money to pay expenses, but each organization will benefit from the sharing of information.

Can you come? Please write yes or no.

Sincerely,

George S. Mitchell

George S. Mitchell
Executive Director

GSM:ec

Dear Mr.Mitchell:

I regret that it will be impossible for me to be at the meeting in Birmingham. I shall be winding up my work here at the seminary at that time.

Cordially yours,

Malcolm P. Calhoun

Malcolm P.Calhoun.

May 8, 1952

Mrs. Ruby Hurley, Secretary
Southeast Regional Office, NAACP
624 Masonic Temple Bldg.
1630 Fourth Avenue, No.
Birmingham, Ala.

Dear Mrs. Hurley:

Here are the outfits that so far have accepted the invitation to come to the meeting in Birmingham May 15 which you are so kindly arranging: National Student Council of the YWCA, Southern Regional Office; American Friends Service Committee, Dallas, Texas; Anti-Defamation League of B'nai B'rith, Atlanta Office; Race Relations Adviser, Federal Housing Administration; Fellowship of Southern Churchmen; National Council of Churches; National Urban League, Atlanta Office; Alabama Division, SRC; Atlanta Office, SRC; Catholic Committee of the South; your own office.

As to how many people that is, we don't really know. I would think a minimum of nineteen, and probably not over twenty-five.

May we count on your office to have someone available who could keep minutes (by no means verbatim)?

We have called the meeting for 9:30 in the morning, hoping people will really get down to business by ten o'clock. I should expect the meeting to last over into the early afternoon. I leave lunchetn your good offices. We could fetch in sandwiches and make out. For that small number of people, I should think it would hardly be needful to call on the church ladies to turn out a trimmed-up luncheon!

Mrs. Tilly is coming over with us, and she is today writing to get word to Mrs. Evins to bring about three people from the Birmingham Council of Church Women.

If you have friends thereabouts who could ~~represent other~~ represent other helpful organizations that you know about, they would, of course, be welcome. I think of such groups as the National Council of Negro Women or some of the local churches, or others.

As to the Press, we have thought that this meeting, like the one February 22, would be an occasion for pretty intimate discussion of long-range objectives, and that some, at least, of the outfits would prefer to have it a private occasion. If any question comes up about coverage, the meeting could decide what its wishes would be.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

Suite 305, 11 Pryor St., SW
Atlanta, Georgia
May 22, 1952

Dear Friend:

Enclosed is a copy of the statement on housing needs and tensions, agreed upon by representatives of Southern agencies meeting in Birmingham May 15.

Minutes of that meeting will be mailed to you shortly by George Mitchell. Meanwhile, those of you who were able to be present will recall that it was decided as follows:

(a) That those who wished to do so were to present the housing statement to their own agency policy-making bodies, with a view to getting official approval of it.

(b) That all agencies present and invited to be present at the meeting were asked to notify George Mitchell, Southern Regional Council, 63 Auburn Ave., Atlanta, Ga., as convener, of any approving action of their policy-making bodies. If possible, such notification should reach him on or before June 15.

(c) The Southern Regional Council, it was agreed, might print the statement in mid-June, using as explanatory language the following: "Discussed by a gathering at Birmingham May 15, 1952, of persons from agencies concerned with human relations in the South. Most of those present agreed to bring this statement to the attention of the policy-making bodies of their agencies. The statement has so far been approved by...," the dots representing the agencies which may have notified George Mitchell by mid-June of official approving action.

(d) The matter of publicity for the statement was put into the hands of a committee composed of Harold Fleming, Alex Miller, and Harry Alston.

I sincerely hope that your agency will find it possible to subscribe to the statement. And, in any case, you are cordially invited to make free use of it within your own agency or with others, following its public release in mid-June.

Sincerely,

Alexander F. Miller

Alexander F. Miller
Chairman Drafting Committee

AFM/fs

TEXAS COUNCIL OF NEGRO ORGANIZATIONS

OFFICE OF THE PRESIDENT

~~201 North Bishop Street~~
~~MARSHALL, TEXAS~~
2011 North Washington
Dallas 4, Texas

A CLEARING HOUSE OF INFORMATION AND OPINION FOR THIRTY-ONE STATE-WIDE ORGANIZATIONS AND A MILLION NEGRO AMERICANS

May 28, 1952

RECEIVED
MAY 30 1952
Southern Regional Council

Mr. George Mitchell
Southern Regional Conference
63 Auburn Avenue, N.E.
Atlanta, Georgia

Dear Mr. Mitchell:

I was pleased to join you in the panel discussion recently in New York during the meeting sponsored by the National Committee Against Discrimination in Housing.

The document prepared by Southern Regional Conference conferees at the Birmingham meeting May 15th, of persons from agencies concerned with human relations in the South has been read by me and other officials of this Association, with much interest.

As President of the Texas Council of Negro Organizations, representing some 43 statewide bodies, I wish to concur in the sentiments contained and the views expressed in the document. While time will not permit me to submit this document to each organization, I am certain that I speak the sentiments of the member bodies of the Texas Council of Negro Organizations.

Sincerely,

A. Maceo Smith
President

AMS/hwb

ADL SOUTHERN OFFICE
11 PRYOR ST., S. W., ATLANTA, GA.

For your information

Dr George Mitchell
+
Harold Fleming

Alex Miller

May 3o, 1952
P. O. Box 725
Knoxville, Tenn.

RECEIVED
JUN 5 1952
Southern Regional Council

Mr. Alexander F. Miller
Care Southern Regional Council
11 Pryor St. SW
Atlanta, Ga.

Dear Sir:

Thank you very much for sending Fellowship House of Knoxville a copy of the Birmingham statement for our endorsement.

When our group was chartered two years ago we declared ourselves to be a non-action organization. The Board of Fellowship House has always interpreted this quite narrowly to include non-endorsement of any sort. We are a small and wholly volunteer group, and guard against our enthusiasm sweeping us past our chosen job, which is doing what we can here locally, at short range.

I should personnally like to commend the meeting for the presentation which you sent us. It is particularly valuable in presenting steps that can be taken.

Sincerely,

Mrs. W. J. Moulder
Corresponding Secretary
Fellowship House of Knoxville, Inc.

SOUTHERN REGIONAL COUNCIL

63 AUBURN AVENUE, NE

ATLANTA 3, GEORGIA

June 3, 1952

Dear Mr. Smith:

The Executive Committee of the Southern Regional Council met May 30. They approved the statement presented at the May 15 Birmingham meeting, called BLIGHTED HOUSING AND BOMB VIOLENCE, as a statement of SRC policy.

In the Committee's close analysis of the statement, they suggested four minute changes in wording, as follows:

Page 2, line 13, delete "inevitable." Line 27, delete "annual." Line 28, for "per year" substitute "each year."

Page 3, line 2, after word "in" substitute "some" for "many."

Page 3, numbered paragraph 7, instead of "press for," "explore."

The Southern Regional Council proposes to print the statement in the issue of NEW SOUTH coming out about June 15, and unless we hear from you or others to the contrary, we will print it with these slight changes. We feel the more assured of consent, as none of them seem to affect the sense of the statement.

Sincerely,

George S. Mitchell

George S. Mitchell
Executive Director

GSM:ec

The Catholic Committee of the South

REV. MAURICE V. SHEAN, C. O.

P. O. BOX 895

ROCK HILL, SOUTH CAROLINA

June 3, 1952

RECEIVED
JUN 4 1952
Southern Regional Council

Dr. George S. Mitchell
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear Doctor:

I should like to go on record in the name of our Committee approving the statement on housing needs and tensions that was agreed upon by Southern Agencies in Birmingham on May 15th.

I would like very much to give this statement wide publicity throughout the Church in the South. If it is possible I will try to purchase enough copies of your June issue of the "New South". If not, if it is agreeable with others and yourself, I will mimeograph the statement and enclose it with our Newsletter.

Sincerely yours in Christ and St. Philip,

Maurice V. Shean, C. O.
General Chairman

MVS:ad

June 4, 1952

Mr. A. Maceo Smith, President
Texas Council of Negro Organizations
2011 N. Washington
Dallas 4, Texas

Dear Mr. Smith:

We are deeply pleased to have your kind letter of May 28, giving your endorsement, as president of the Texas Council of Negro Organizations, to the statement issued by the Birmingham meeting May 15.

We will print the statement in the June issue of NEW SOUTH, and will list the Texas Council of Negro Organizations along with the other bodies which, by that time, may have endorsed the statement.

Good to sit by you at the New York meeting.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

HF

SOUTHERN OFFICE
ANTI-DEFAMATION LEAGUE
11 PRYOR STREET, S. W.
ATLANTA 3, GEORGIA

RECEIVED
JUN 6 1952

June 5, 1952

Dr. Herman Long
Institute of Race Relations
Fisk University
Nashville, Tennessee

Dear Herman:

Relative to the study you are proposing to do of bigotry being injected into political campaigns, you may find the attached copy of a news story from the Raleigh, (N. C.), News & Observer of interest.

With kindest personal regards.

Cordially yours,

Alex

Alexander F. Miller

AFM/fs

cc: George Mitchell
Oscar Cohen
Arnold Forster

RALEIGH NEWS & OBSERVER
June 1, 1952

Race Issue Enters Campaign

Campaign literature involving the race issue was circulated by Umstead supporters throughout Eastern North Carolina yesterday.

A handbill showed a photograph of Hubert E. Olive and his Buncombe County campaign committee and one of the men in thephotograph was identified as a Negro. The handbill said the picture appeared in the Asheville Citizen-Times on May 4.

The Asheville Citizen-Times told the News & Observer it carried the photograph, but never identified either of the men as Negro as the handbill implied.

The handbill also carried statements with the implication that they appeared in the Citizen-Times, but this was denied by the newspaper.

The handbill declared:

"Kerr Scott, who seeks the Negro vote for his hand-picked choice for Governor, has appointed Negroes to the State Board of Education and other commissions. Hubert Olive has promised the Negroes he will continue Scott's program.

FIRST OFFICIAL ACT

"Hubert Olive has declared his first official act, if elected, will be to fire the Commissioner, of Paroles, and his Negro leaders are passing the word along that his Negro manager will be named paroles officer as a pay-off to the Negro block voters.

"Is this kow-towing to the Negro vote merely a desperate effort by Candidate Olive or is it a deliberate attempt to end segregation? Before you vote May 31, ask yourself two questions:

"Do you want a Negro paroles commissioner?

"Do you want your children to go to school with Negroes?"

The handbill was signed "Worth Hinton - Four County Committee for Umstead."

But an effort to locate Hinton was futile.

****

SRC - Staff Memos

MEMO TO HAROLD FLEMENING June 6, 1952

Nelson Jackson called this morning, in re Birmingham statement. He, Jackson, authorizes SRC in carrying the statement in the June NEW SOUTH to include notation that the statement has been approved by the Southern Field Division of the National Urban League. He says that actual physical clearance of the statement through his New York office would probably be so slow as to make it impossible to include mention in the June NEW SOUTH. But he feels that the N. Y. office will have no bojection, and he will take on himself the authority thus to approve it. It so happens that the statement in some ways closely parallels one issued by the Nat'l. Urban League in N. Y. on January 17, 1952, expressing the view of the National Urban League on the murder of the Moores in Fla.

By my records then, we have had approval by: SRC (subject to Leonard Haas), CCS (letter attached), Texas Council of Negro Organizations (letter attached), ADL.

We have a letter from Mrs. Moulder at the Fellowship House in Knoxville, saying they are sorry they are not so set up as to make it possible for them to endorse. Letter attached.

GSM

LAW OFFICES
HAAS, HURT & PEEK
HAAS-HOWELL BUILDING
ATLANTA 3, GA.

LEONARD HAAS
CHARLES D. HURT
J. CORBETT PEEK, JR.
GEORGE A. HAAS

WM. WALLACE LYONS (1922-1946)

June 6, 1952

1192

Mr. George S. Mitchell,
Executive Director,
Southern Regional Council, Inc.,
Room 432, 63 Auburn Ave. N.E.,
Atlanta 3, Georgia.

Dear George:

I have your letter of June 4th, together with its enclosures, which I have read with a great deal of interest.

While I approve without qualification the statement on "Blighted Housing and Bomb Violence", I doubt the propriety of putting it out as a statement of SRC policy in its present form.

I am afraid that in its disapproval of certain government policies and programs, and its approval of others, together with its urging the enactment of certain municipal ordinances, the Council is getting into the field of political propaganda, which is prohibited, if we are to retain our tax exempt status.

I suggest that the statement be carefully rewritten, eliminating the objectionable parts.

Sincerely yours,

Leonard Haas

Leonard Haas.

LH:LPM

June 6, 1952

Rev. Maurice V. Shean, C. O.
The Catholic Committee of the South
Box 895
Rock Hill, S. C.

Dear Father Shean:

Warm thanks for your letter of June 3, giving approval on behalf of the Catholic Committee of the South to the Birmingham statement.

Thus far, approvals have come in from you, from the Texas Council of Negro Organizations (some 29 different groups there), the Anti-Defamation League, and the Southern Field Office of the National Urban League. SRC's Executive Committee endorsed it on behalf of the Council May 30 (though there is still a formal matter of approval by our counsel, which I don't doubt will be forthcoming). We expect the NAACP to endorse it also, and maybe some of the others.

The issue of NEW SOUTH containing it should be in print by June 20. We will have an extra thousand printed. I could send you as large a chunk as you might want out of that thousand, at costs. Ordinarily, that is about five cents apiece.

I know you rejoice to have Phil Ogilvie and his bride there with you. My regards to them.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

Agencies

Suite 305
11 Pryor Street, S. W.
Atlanta, Georgia

June 17, 1952

Enclosed is the proposed final form of the statement "Blighted Housing and Bomb Violence" reviewed by the May 15 Birmingham meeting of agencies concerned with human relations in the South.

The original statement has been discussed with various of the agency people, including legal counsel, and this draft results. It has our approval as the drafting committee.

This is advance notice of the changes in the final draft made by the committee.

Sincerely,

Alexander F. Miller, Chairman
Hubert Jackson
Harold C. Fleming

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

W. P. MARSHALL, PRESIDENT

1201

1952 JUN 19 PM 4 47

SYMBOLS

DL=Day Letter

NL=Night Letter

LT=Int'l Letter Telegram

VLT=Int'l Victory Ltr.

TU ATLANTA

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

AA61

A BMA355 PD=BIRMINGHAM ALA 19 320P=

=ALEXANDER F MILLER=

11 PRYOR ST SOUTHWEST SUITE 305 ATLA=

STATEMENT SATISFACTORY FOR SOUTHEAST REGIONAL OFFICE NAACT=

RUBY HURLEY REGIONAL SECRETARY=

NAACT=

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

The Catholic Committee of the South

REV. MAURICE V. SHEAN, C. O.

P. O. BOX 895

ROCK HILL, SOUTH CAROLINA

RECEIVED
JUN 24 1952
Southern Regional Council

June 20, 1952

Mr. Alexander F. Miller, Chairman
Suite 305
11 Pryor St., S.W.
Atlanta, Ga.

Dear Mr. Miller:

This confirms our telegram of yesterday in which we tell you that we whole heartedly endorse the final form of the statement "Blighted Housing and Bomb Violence" as reviewed by the May 15 Birmingham meeting of agencies concerned with human relations in the South.

We sincerely hope the many people will read the statement and that something will come of it, because I do think it does put its finger at the heart of a great deal of difficulties.

With every best personal regard, I am,

Sincerely yours in Christ and St. Philip,

Maurice V. Shean C.O.

General Chairman

MVS:ad

Agencies

Young Women's Christian Association of the United States of America

National Board

RECEIVED
JUL 9 1952
Southern Regional Council

600 Lexington Avenue, New York 22, N. Y. — PLaza 3-4700 — Cable: Emissarius, N. Y.

Southern Region
63 Auburn Avenue, N. E.
Atlanta 3, Georgia
Telephone: Alpine 2381

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Honorary President

Mrs. Arthur Forrest Anderson
President

Mrs. Edward W. Macy
Vice-President

Mrs. Bartlett B. Heard
Vice-President-at-large

Mrs. Eugene Ross McCarthy
Vice-President, Chairman, Central Region

Mrs. Henry E. Corner
Vice-President, Chairman, Eastern Region

Mrs. Charles A. Rosenberg
Vice-President, Chairman, Southern Region

Mrs. Sumner Spaulding
Vice-President, Chairman, Western Region

Miss Margaret E. Burton
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Mrs. F. Beardsley Foster, Jr.
Assistant Treasurer

Mrs. Robert C. Hume
Assistant Treasurer

Mrs. Harrison S. Elliott
General Secretary

July 7, 1952

Dr. George S. Mitchell
Executive Director
Southern Regional Council
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear George:

I have just received a letter from Mrs. Edward W. Macy, President of the Young Women's Christian Association of the U.S.A. in response to my inquiry as to whether the National Board could lend its name to the statement on Blighted Homes and Bomb Violence. Mrs. Macy said that the Executive Committee gave careful consideration to the inquiry and expressed great appreciation for the manner in which the group was dealing with so serious a problem. However, it has been the policy of the National Board not to sign statements phrased in terms of a particular region. They recognized, she said, the added strength within a statement when it says, as this one does: "As Southerners, we are particularly disturbed by the grave aspects of this problem in our region."

Mrs. Macy stated further that the section headed "Things to Do" "is so in line with our own interracial charter adopted by the National Convention in 1946 and with our National Public Affairs Program that the Executive Committee expressed the hope that these recommendations might be used in the YWCA Magazine and Bulletin to give added stimulus to the efforts of YWCA's all over the country as they work for better race relations." She closed her letter to me with the following statement: "In telling Mr. Mitchell that the National Board cannot sign the statement, please assure him of our admiration whenever a group of responsible citizens shows constructive leadership in this vital area, as has been demonstrated by this group of which he is chairman."

I am leaving today on my vacation and will be back in August. I am counting on your office keeping me informed of any future meetings of this group and any further developments in this area.

Best wishes to you.

Sincerely,

Mary Jane Willett

Mary Jane Willett
Correlator

MJW.1
(Dictated but not read)

Suite 305
11 Pryor St., S.W.
Atlanta, Ga.

July 10, 1952

MEMO

TO: Agencies Signing Statement Adopted in Birmingham, May 15, 1952

FROM: Alex Miller, Harry Alston, and Harold Fleming

You will recall that we were named a committee of three to arrange publicity for our joint statement "Blighted Housing and Bomb Violence." Attached are copies of the news release and the full text of the statement as printed in NEW SOUTH. Please note that the release date is Sunday, July 20.

We plan to release the statement through the Atlanta bureaus of the three wire services—AP, UP, and INS; the Southern Correspondents of the New York Times, the New York Herald Tribune, and the Christian Science Monitor; the Associated Negro Press; and the Atlanta office of Time.

Any additional publicity that may be arranged by the individual agencies will be most welcome—especially since we will be competing with the Party Conventions for newspaper space.

For Sunday Papers, July 20

BLIGHTED HOUSING BREEDS VIOLENCE,
SAY SOUTHERN HUMAN RELATIONS AGENCIES

/See full text of statement attached./

Six organizations active in the South declared today that blighted housing is costing the region a "fearful price" in "distrust, fear, rumor, and ultimately open violence."

The assertion was made in a statement issued jointly by the Southern Office of the Anti-Defamation League of B'nai B'rith, the Catholic Committee of the South, the Southeast Regional Office of the National Association for the Advancement of Colored People, the Southern Field Office of the National Urban League, the Southern Regional Council, and the Texas Council of Negro Organizations.

The statement, made public in New South, marked the first instance of such cooperation by human relations agencies in the South.

"Since January 1, 1951," it said, "more than 40 bombings have been perpetrated in the South by terrorists and vandals, and many more have been attempted." Most of these, it added, have grown out of racial and religious tensions centering about housing.

Citing the 1950 Census, the statement pointed out that over three-fourths of the American cities with the worst housing are in the South, and nearly three-fourths of this slum housing is occupied by Negroes.

"More often than not," it continued,"real estate interests and fearful white home owners have joined forces to bar the development of suburban expansion areas for Negroes. Thus, hemmed in on one hand by burgeoning business districts and on the other by older white neighborhoods, Negroes have had no choice but to seek a block-by-block conversion of the older housing from white to Negro occupancy. It is this desperate transition process which breeds conflict."

The statement recommended that Southerners seek better police handling of housing tensions, truly representative planning bodies, new expansion areas for those inadequately housed, and more adequate provisions for slum clearance and public housing.

###

October 10, 1952

Mr. Harry Alston
National Urban League
250 Auburn Ave., NE
Atlanta, Ga.

Dear Mr. Alston:

Here is the call for the third meeting of agencies concerned with human relations in the South.

Nashville, Fisk campus, Monday, November 17, 1952, 10:00 a. m. - 3:00 p. m. Herman Long, convener.

Explanatory memorandum and list of invited agencies attached.

Do try your best to send a representative.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

AGENCIES INVITED TO NASHVILLE MEETING, NOVEMBER 17, 1952

American Friends Service Committee, Job Opportunities Project, Dallas, Texas
American Friends Service Committee, Southeastern Regional Office, Greensboro, N.
American Friends Service Committee, Texas Regional Office, Austin, Texas
American Jewish Committee, Miami, Florida, Office
Anti-Defamation League, North Carolina-Virginia Regional Office, Richmond, Va.
" " " Florida Regional Office, Miami, Fla.
" " " New Orleans Regional Office, New Orleans, La.
" " " Southeastern Regional Office, Atlanta, Ga.
Atlanta Urban League, Atlanta, Ga.
Little Rock Urban League, Little Rock, Ark.
Louisville Urban League, Louisville, Ky.
Memphis Urban League, Memphis, Tenn.
New Orleans Urban League, New Orleans, La.
Richmond Urban League, Richmond, Va.
Catholic Committee of the South
Congregational Christian Churches, American Missionary Association, Race Relations Department, Nashville, Tenn.
Episcopal Church, Secretary of Christian Social Relations, Diocese of Tennessee, Nashville, Tenn.
Fellowship House of Knoxville, Tenn.
Fellowship of Southern Churchmen, Black Mountain, N. C.
Georgia Committee on Interracial Cooperation, Atlanta, Ga.
National Ass'n. for the Advancement of Colored People, Southeast Regional Office, Birmingham, Ala.
National Council of Churches, Southeastern Office, Atlanta, Ga.
National Council of Negro Women, Region IV, Birmingham, Ala.
National Urban League, Southern Field Division, Atlanta, Ga.
New Orleans Committee on Race Relations
Presbyterian Church in the U.S., Division of Christian Relations, Atlanta, Ga.
Southern Baptist Convention, Social Service Commission, Louisville, Ky.
Southern Regional Council, Atlanta, Ga.
" " " Alabama Division
" " " Arkansas Division
" " " Kentucky Division
" " " Louisiana Division
" " " Mississippi Division
" " " South Carolina Division
" " " Tennessee Division
Virginia Council of Churches, Department of Interracial Cooperation, Richmond, Va
YWCA National Board, Southern Regional Office, Atlanta, Ga.
YWCA National Student Council, Southern Regional Office, Atlanta, Ga.
Texas Commission on Race Relations, Houston, Texas
The Methodist Church, General Board of Education, Nashville, Tenn.

THIRD MEETING OF AGENCIES CONCERNED WITH HUMAN RELATIONS IN THE SOUTH

NASHVILLE, FISK CAMPUS, MONDAY, NOVEMBER 17, 10:00 A. M.

Mr. Herman Long, of the Race Relations Division of the American Missionary Association, is host to this meeting. Place: International Student Center, Fisk University, 10:00 a. m. to 3:00 p. m., November 17.

The meeting at Birmingham May 15, 1952, agreed that the group would meet again in the early part of October, 1952. All agencies were requested to send during the summer reports on the use of racial and religious prejudice in political campaigns to Herman Long, who would, in preparing for the fall meeting, make a digest and proposals. The agencies are cautioned to send in to Herman Long not merely clippings, but in addition, explanatory memoranda.

Some material of this kind has been collected by Mr. Long, and the meeting November 17 will center on the problem of racial and religious prejudice in political campaigns.

Attached is a list of agencies invited to send representatives to the Nashville meeting.

All who were present at the Birmingham meeting found it a worthwhile gathering.

As before, unfortunately, no money to pay expenses. Please notify the writer as to whether you can have a representative present.

CABLE ADDRESS: NACAPEOPLE, N. Y. LONGACRE 3-6890

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

20 WEST 40th STREET, NEW YORK 18, N. Y.

Please direct reply to:
SOUTHEAST REGIONAL OFFICE NAACP
624 Masonic Temple Bldg.
1630 - 4th Ave., No.
Birmingham, Alabama
Telephone Birmingham 3-2887

RECEIVED
OCT 29 1952
SOUTHERN REGIONAL

October 28, 1952

Dear Dr. Mitchell:

The Alabama State Conference of NAACP Branches as you know meets November 14-16. I hope that I shall be able to get a Flight into Nashville in order to meet with the group at Fisk on November 17.

Sincerely yours,

Ruby Hurley

Ruby Hurley
Regional Secretary

RH:S

Dr. George S. Mitchell
Executive Director
Southern Regional Conference, Inc.
Room 423, 63 Auburn Avenue, N.E.
Atlanta, Ga.

(Dictated Oct. 27, 1952)

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Dr. Robert S. Wilkinson
Dr. Louis T. Wright
Opelouses, La. — Dr. A. C. Terrance
San Antonio, Texas — Dr. C. Austin Whittier
Tulsa, Okla. — Dr. R. C. Bryant
Washington, D. C. — Dr. Joseph G. Gathings
Dr. C. Herbert Marshall

The New York Times Magazine

Battle of Filibuster: New Round Opens

Foes of unlimited Senate debate center their attack on Rule XXII, which preserves cloture.

By ROBERT BENDINER

TUCKED away in the platform adopted by the Democratic party in July was a modest little plank urging action to protect the harried majority of the United States Senate from domination by the minority. The proposition was not stated quite so baldly, of course, but that was the sense of the plea to "improve Congressional procedure so that majority rule prevails and decisions can be made after reasonable debate. * * *"

What the plank's sponsors had in mind was the simple fact that under Senate Rule XXII the will of the majority does not prevail, since a two-thirds vote is required to force an end to debate to bring a legislative issue to the point of decision. Indeed, thirty-three members can prevent even discussion, let alone passage, of a bill favored by their sixty-three colleagues. All the minority has to do is talk about anything from cabbages to kings —or even read gobs of Byron's "Childe Harold," as a whimsical Senator once threatened to do—until the rest of the chamber, eager to get on with other business or wearied to desperation, at last bows to the will of the few.

As long as the Senate indulges this parliamentary device, suggestively named after West Indian pirates known as *filibusteros*, it is futile to argue the merits of President Truman's civil rights program. Its proponents are well aware of that, and plans are now taking shape for another assault on the filibuster as soon as the Vice President's gavel falls on Jan. 3.

THEY are roundabout plans, with a unique twist, and they have to be. For while Rule XXII now provides that two-thirds of the Senate may invoke cloture—that is, force an end to debate—on all motions and measures, there is one exception even to this difficult procedure. No limit whatever may be imposed on debating a move to ease the procedure itself by changing the rules.

As Vice President Barkley explains, "the Senate can never reach a point where it can vote on an amendment to its own rules if there is a determined effort made to prevent the Senate from ever reaching that point." A single Senator can check an effort to rid the chamber of the filibuster if his lungs and legs hold out. And there are many more than one who have a stake in preserving it.

Confronted with this certainty that any normal move to make cloture easier would itself be filibustered to death, some of the civil-rights Senators have worked out an unusual, though not completely original, approach. One of their number, very likely Senator Herbert H. Lehman of New York, will rise almost as soon as the chamber is convened and move adoption of all the rules that governed the Senate of the preceding Congress except Rule XXII. For this he would substitute a rule calling for cloture after two days if two-thirds of the members present are so minded or after fifteen days by a simple majority vote.

THERE is nothing startling in the nature of this substitute, but the form of the motion might well revolutionize the procedures of the Senate. For the very move to re-adopt the old rules challenges the hitherto accepted idea that the Senate is a continuing body with a permanent set of regulations. Should Lehman and his colleagues be upheld in reversing this view, then clearly no one Senate can bind its successors, and the method that has been laid down for changing the rules becomes a dead letter.

Some advocates of this scheme, which was proposed at hearings before the Committee on Rules last fall by Walter Reuther, president of the United Automobile Workers, believe that the move itself could not be filibustered. The theory is that the motion would immediately be challenged on a point of order, whereupon Vice President Barkley, whose term runs to Jan. 20, would have to make an immediate decision.

He might rule the motion out of order on the ground that the Senate is a continuing body, with permanent rules, or he might rule it a valid motion, with the inference that each Senate has to make its own regulations. Either way there would certainly be an appeal from the chair, but on such appeals, the theory goes, debate is limited and a decision is reached by a simple majority vote.

SHOULD this plan of attack be carried out, as it is all but sure to be, you will hear a great deal of solemn discussion as to whether the Senate is a continuing body. Senator John J. Sparkman, the Democrats' Vice Presidential nominee, has already commented that never before had it ever occurred to him that the Senate could be regarded in any other way. This view is expected to be shared not only by all the Southerners but by many Northern Senators as well, on the basis of these arguments:

(1) The Senate has a continuing personnel, with only one-third of the seats vacated at the expiration of each Congressional term.

(2) Precedent is all on their side, since the rules adopted by the very

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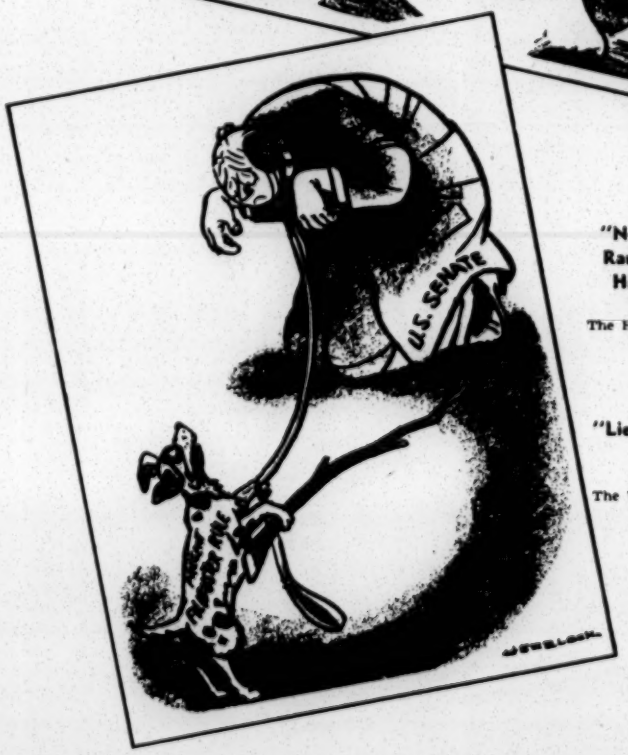
ROBERT BENDINER, a free lance, has seen —and heard—filibusters while in Washington.

VIEWS OF THE FILIBUSTER

"Sabotaging Democracy."
Fitzpatrick in The St. Louis Post-Dispatch



"Not Going to Ram It Down His Throat."
Martin in The Houston Chronicle

"Lie Down! Roll Over!"
Herblock in The Washington Post

first Senate have automatically continued in force until amended or abolished.

(3) Jefferson's Manual of Parliamentary Practice, used since its author's Vice Presidency as a guide to procedure, specifically refers to the Senate as a "continuing body" in contrast to the House of Representatives, all of whose members serve only for a single Congressional term.

AGAINST these arguments Senator Lehman and his colleagues will echo the reasoning advanced by Senator Tom Walsh of Montana, who eloquently but unsuccessfully tried this same gambit back in 1917. They will argue:

(1) Since all bills, treaties and nominations that are pending in the Senate die at the end of the Congressional term, why not the rules of the Senate?

(2) If the Senate is a continuing body, why does it have to reappoint its secretary, sergeant-at-arms and other staff officers at the beginning of each term?

(3) Jefferson's Manual is not part of the Senate's rules, but merely a guide. (If its injunctions were binding, how would the filibusterers get around the provision that "no one is to speak impertinently, or beside the question, superfluously or tediously"? Applying the Manual on this point could close down the Senate.)

(4) The idea of a continuing Senate "is at war with the theory of parliamentary government the world over." Even the British House of Lords, on reassembling after a dissolution of Parliament, goes through all the formalities of reorganization, with every member again taking the oath.

BESIDES these arguments, enemies of the filibuster plan to raise the question of the constitutionality of Rule XXII, which, in Barkley's words, allows the Senate to "freeze its own rules in perpetuity." True, the Senate's rules are for the Senate to determine.

"If there is any one thing that is clear under the Constitution," Senator Richard B. Russell advised the Rules Committee, "it is that any rule a majority of the Senate sees fit to adopt is beyond the purview of any court or executive."

But the point raised by men like Lehman and Senator Hubert H. Humphrey of Minnesota is that it would now require *more* than a majority of the Eighty-third Senate to undo a rule wished upon it by the Eighty-first; that Senators who had no part in making that rule are forced, in effect, to accept it.

Both sides will doubtless present able briefs, and it is probable that a number of those who favor the civil rights program will be cool to the Lehman thesis and regret that an extraneous issue has been introduced. But the hard probability, if not downright certainty, remains that no civil rights program will be enacted while the threat of the filibuster remains, and no effort to remove the filibuster can succeed while Rule XXII stays intact.

The rule as it now stands grew out of the fight over the civil rights program in 1949, when the battle was at its hottest, but the question of unlimited debate is as old as the Senate itself, though it is rarely argued apart from the tactical purpose it may serve at the moment. As early as the First Congress, Senator Maclay confided to his diary that "the confidence of the people was departing from us, owing to our unreasonable delays."

Divorced, so far as such a thing is possible, from the political causes to which it has been linked from time to time, the principal historic arguments for and against unlimited debate boil down to these:

Senators Holland of Florida and Long of Louisiana confer before taking floor in behalf of Rule XXII in 1949 filibuster battle.

FOR: Unlimited debate assures the power of a minority to resist the tyranny of a passing majority and to protect the rights of the people —"one of the greatest weapons against wrong and oppression," to quote the late Senator George W. Norris, "the members of this body possess."

AGAINST: The majority holds its status at the will of the people and can be deprived of it at a succeeding election. In the meantime, reliance may be placed on the courts to protect the people against inroads on the Constitution. Experience abroad and in the State Legislatures, moreover, has not shown limitation on debate to be a threat to democracy. The House of Commons has had a cloture rule since 1882 and our own House of Representatives has had a limit on debate since its creation in 1789.

FOR: "This is not a country of majority rule," as Senator James A. Reed once said. "The Constitution of the United States was written, in large part, to prevent majority rule. The Declaration of Independence was an announcement that there are limitations upon majority rule." This is a view shared by former Senator Millard Tydings of Maryland. "Majority to hades," was the way he put it.

AGAINST: Majority rule, take it or leave it, is in fact one of the principal assumptions of the American political system. What else is government "by the people"? Where the Declaration calls for minority rights, they are the rights of the individual citizen, not of legislative minorities. Where the Constitution provides exceptions to majority rule in Congress, it specifically states those exceptions and prescribes a two-thirds vote.

FOR: No important legislation defeated by filibustering has been subsequently reenacted, proving that the judgment of the minority was well-founded. The filibuster has killed more bad bills than good ones.

AGAINST: Even if this were accurate, it might only prove, as in the case of civil rights legislation, that the filibustering has been more persistent than beneficent. But many bills once killed by the filibuster have in fact been revived and passed by succeeding Congresses, among them the admission of Arizona and New Mexico to statehood and the bill to arm our merchant ships prior to our entry into World War I.

FOR: The Senate serves as a valuable and sober check on the sometimes impetuous House of Representatives.

AGAINST: The Senate would not be propelled into rash action by a reasonable cloture rule. As a practical political matter, cloture would not be invoked until the body had already had an opportunity for full debate, but the Lehman resolution offers specific guarantees. In addition to the two weeks provided before the majority could close off debate, it would allow an additional hour for each member desiring to speak even after cloture had been voted.

FOR: The Senate is "the last great deliberative body in the world." It should continue to enjoy that prestige. The elder Senator Robert A. La Follette called it "the only place in our system where, no matter what may be the organized power behind any measure to rush its consideration and to compel its adoption, there is a chance to be heard."

AGAINST: There would be ample opportunity to be heard, as already described, under most of the cloture provisions that have been proposed. What threatens the prestige of the "greatest deliberative body in the world" is not a liberal form of cloture but the abuse of free debate that brings the Senate into disrepute: a Huey Long holding up the work of the chamber for fifteen hours while he recites recipes for corn pone, or extended readings by Senators from Aesop's Fables, various encyclopedias, and the World Almanac—at a cost to the taxpayer of $15,000 a day, not counting the $82 a page that The Congressional Record comes to.

"THE Senate of the United States is the only legislative body in the world," said Woodrow Wilson, "which cannot act when the majority is ready for action." Men of the highest integrity, and from all sections of the country, have defended the principle of unlimited debate and will no doubt do so eloquently and extensively again before it is abandoned. But with the fierce pressures of a swiftly changing world now beating down on Washington, it is unlikely that the Senate will indefinitely accept the recurring hazard of self-paralysis.

Given guarantees against any real threat to genuine deliberation, it must eventually come around to the considered view of one of its distinguished members of the past. "To vote without debating is perilous," said Henry Cabot Lodge Sr. some sixty years ago, "but to debate and never vote is imbecile."

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THE NEW YORK TIMES and the author, Robert Bendiner.

National Association for the Advancement of Colored People
20 West 40th Street, New York 18, N. Y.

FISK UNIVERSITY

NASHVILLE, TENNESSEE

NOVEMBER 17, 1952

SOUTHERN REGIONAL COUNCIL

SPONSORED

MEETING OF REPRESENTATIVES OF SOUTHERN ORGANIZATIONS

AND OF

REGIONAL OFFICES OF NATIONAL ORGANIZATIONS

TO DISCUSS

CURRENT SOCIAL PROBLEMS IN THE SOUTH

AND

TO PLAN

COOPERATIVE ACTION ON THEM

MINUTES

The Meeting was called to order at 10:15 A.M. by Dr. George Mitchell, Executive Director of the Southern Regional Council.

Dr. Mitchell: (Report on Political Campaign in Georgia)

Racial and religious prejudice was used late in the campaign. The Talmadge Machine attempted to use it extensively. Church groups came into action pointing out the moral and social evil in the Governor's tactics. The Governor loss his point by at least 30,000 votes despite the use of handbills, etc.

Mr. John Long (Miss., S.R.C.):

Mississippi campaign was better than usual. The proposed Amendment for a Literacy Clause prerequisite to voting was not carried. Negroes are still largely disenfranchised. Probably less than 6,000 Negroes voted in recent elections.

Dr. Herman Long (Fisk):

There were no pronounced appeals to bigotry in Tennessee election campaigns. Negro vote seemed to be split. Communism was the largest campaign issue. Negroes are on the Nashville City Council, but are in opposite camps. There was a good Negro vote except for the Western part of the State. The well remembered lynching in Brownsville, in 1940, deters Negroes from registering.

Mr. Hayes (Urban League, Memphis):

Memphis Negro registration only 20,000 to 80,000 whites. A Negro, Dr. Walker, ran for School Board. Mr. Orville, socially prominent white leader, supported Dr. Walker. Ballot used technique of portraying Dr. Walker blacker than he actually is and placed between two white women. Walker was defeated by close to 8,000 votes (about 1/5 white votes). Some white women helped Walker's campaign. School Board elections are city-wide.

Mrs. Hortense Young (Kentucky):

Kentucky experienced little appeal to bigotry except in the Negro Press. An anti-Nixon pamphlet made an issue of his having signed a restrictive covenent.

Dr. Mitchell:

Kentucky has gone further than any other State here represented in de-segregation. It is strange that bigotry should manifest itself somewhat there.

Mrs. Young:

22,000 Negroes registered in Louisville. About 47,000 registered in Kentucky. Day Law Amendments have encouraged in Kentucky.

Rev. Mr. Thrasher (Ala., S.R.C.):

There was little appeal to bigotry except among the lunatic fringe. Sparkman was attacked as being pro-Negro.

Dr. Mitchell:

Interesting to note that Sparkman was used to frighten Negroes elsewhere in the United States and to frighten whites in his home State.

Mr. Ogilvie (C.C.S.):

South Carolina campaign appealed to prejudice through a proposed amendment to let the State Legislature relinquish its obligation to provide for public education. The Amendment was carried. Meanwhile, Mr. Byrnes came out strongly for Ike, and used New Deal Supreme Court as a threat to prohibit segregation in the South. Stevenson carried South Carolina by a small margin. Byrnes quoted Negroes who were for the continuance of the pattern of segregation.

Louisiana Republicans have Dixiecrat leanings. They are not progressive so far as could be seen last Spring.

Mrs. Wilcox (Methodist Church Women, Tenn.):

There were no appeals to bigotry in her immediate vicinity.

Dr. Long:

Let's discuss what organizations have done to do away with appeals to racial and religious prejudice.

Mrs. Young:

There is much concern in law schools about Supreme Court decisions on segregation.

Mr. L (Fisk):

We must discuss the elimination of balloting restrictions. (Carried out his thoughts at length.)

Mr. Hayes:

Negroes are now about 1/3 of the voters in Shelby County, Tennessee. The figures I gave before were prior to Spring Primaries.

Rev. Mr. Thrasher:

There is a questionaire now in use in Alabama which could be restrictive. Loyalty questions regarding willingness to serve in Armed Forces, etc.

Mr. L

We should study this business of restrictive questionaires. Loyalty oaths are a new twist.

Dr. Mitchell:

We would actively oppose any restrictions on franchise.

Alex Miller (A.D.L.):

What we need now is to differentiate between overt types of prejudice and bigotry and the more subtle implications of those trying to preserve the status quo. Candidates either have tried to out white supremacy each other or have weakly apologized for their position. This time in Georgia groups cooperated in opposing any and all appeals to religious or racial prejudice, and it had a decided effect on campaigners. The Governor came to the point of reading letters from Negro and Jewish citizens, but the Citizens Committee Against the County Unit System, working on a small budget and without salaries, swung the deal against the Administration Amednment.

Mr. (Miami):

Pressure of the vote makes politicians step forward courageously to speak up and sign documents.

Dr. Mitchell:

South Carolina has a large rural Negro vote. We need to work that out in the other States. The Progressive Voters League went out and got voters in South Carolina.

Mr. L

There is Draft Board prejudice in Brownsville. Only 4 whites to 51 Negroes are called. Police and State Troopers are vicious. A prominent banker holds county control.

Dr. Mitchell: The decisive factor in the Georgia situation was the church groups.

Mrs. Wilcox: Was church interest and action spontaneous?

Dr. Mitchell: Yes, somewhat. No, somewhat. The secret is to organize all forces of good in the community and state.

Mrs. T (Tenn.): We cannot get an all inclusive, sure-fire program. We have the urban problem, the rural problem, etc.

Dr. Mitchell: Couldn't we try to get this discussed in both lay and clerical groups throughout the region? Work the ground among the churches so as to have strings to pull, educated people to go back to, etc.

Rev. Mr. Thrasher: Strong state-wide support could be gotten through churches towards the disapplication of prejudice.

Dr. H. Long: Could this business be presented profitably to Senate Committees on Ethics? Could we get State Conventions of Political Parties to make resolutions against appeals to prejudice?

Mr. Miller: Let's set up a central depository for statements against appeals to prejudice.

Mrs. Young: We should explore use of resources in communications media.

Dr. Mitchell: How can we reach religious groups?

Rev. Mr. Thrasher: A resolution ought to be entered by the Department of Christian Social Relations into the Convention in my church.

Dr. Mitchell: The Baptists are autonomous, but if they can be got to, action should come. There is a problems, too, in churches being broken down by race. Negro members should approach their opposite numbers in white churches for a stand against the use of prejudice. Pressure could be put. Could we conclude that we ought to get appropriate action by sending through tie-ups on some issue between white and Negro denominations?

Mrs. T : Needs proper timing.

Dr. H. Long: Why couldn't the Federal Council of Churches call together groups in the region and get thing started? (This suggestion to get attention in Atlanta Office).

Dr. Mitchell: We ought to reach civic organizations, too.

Mrs. Wilcox: Couldn't we get a representative in each city?

Mr. Miller: Who will be the central spark plug? Can S.R.C. take this thing under its wing?

Dr. Mitchell: Yes, it can. Right now, though. let's draw a statemtn and use the technique employed in our Birmingham Meeting, last May.

Rev. Mr. Thrasher: This should be brought to the attention of all local S.R.C. groups.

Dr. Mitchell: We must use existing organizations. We must not creat new ones.

Mr. (Miami): What happened in Birmingham?

(Dr. Mitchell and Mr. Miller gave an explanation.)

Mr. Sweet (Fisk): Might we not go back and assess what has been done by churches through statements and pronouncements?

Mrs. T : People have come futher rationally and emotionally. The issue is often economic. Some people had rather not work through churches.

Dr. H. Long:(Report on materials he had repaired.)

Mrs. T : The churches are slower than other institutions and organizations.

Mrs. Young: Civic groups don't go to respectable Negro eating places when they meet. They could. Why?

Dr. Mitchell: Time is running out. Lunch time comes. I appoint a Committee of Alex Miller, Rev. Mr. Thrasher, Dr. H. Long, Mrs. , and Phil Ogilvie to draw up a statement similar to what we did in Birmingham.

Mr. (Miami): Let's get back to State Conventions.

Dr. Mitchell: I'd like to, but it's impractical. Just do all that you can.

LUNCH

Discussion was held on effects of Supreme Court decisions in regard to segregation in the public schools. Considerable interest was manifested.

Rev. Mr. Thrasher: I move that we, in view of the interest already displayed in the effect of the Supreme Court decision in regard to segregation in public schools, be concerned at our next meeting in January or February, with the subject of the elimination of such segregation, and at Dr. Mitchell's suggestion I accept an amendment that a small committee be empowered to draft the call to this meeting.

Dr. Mitchell here appointed himself, Alex Miller and Herman Long to serve on the Committee.

Meeting was adjourned at 3:15 P.M.

Respectfully submitted,

Phil Ogilvie

Phil Ogilvie
Attempting Secretary

STATEMENT

We, the undersigned, have been gratified to note a trend away from appeals to racial and religious bigotry in recent political campaigns in the South, and we have noticed that this trend is largely attributable to effective action taken by numerous interested organizations aware of the implications of appeals to such prejudices in political campaigning. We wish, therefore, to recommend to, to encourage and to join with all interested groups in the South in the adoption of appropriate statements of principle opposing the use of appeals to racial and religious bigotry in future political campaigning.

We request that publicity be given, where appropriate, to such statements of principle, and that all available communications media be used in such publicity. We would remind, and have all interested organizations and groups remind, all local, state and national party organizations and candidates for political office that this position has been taken and made public.

We would suggest, too, that all public media of communication be respectful of their public trust and refuse any and all political advertisements appealing to bigotry.

Agencies

ADL ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

SOUTHERN OFFICE 11 PRYOR ST. S. W. ATLANTA 3, GA.

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FRANK GARSON
Atlanta, Ga.

December 2, 1952

RECEIVED
DEC 3 1952
Southern Regional Office

Dear Friend:

You will be pleased to know that the New York Times intends shortly to do a story on the problem of housing tensions with particular reference to the southern scene.

It is expected that one of the important sources for this story will be the statement "Blighted Housing and Bomb Violence" which your organization signed last year.

Sincerely yours,

Alex

Alexander F. Miller

afm/bw

CC: Mr. Harry Alston,
National Urban League
Mr. A. Maceo Smith
Rev. Maurice V. Shean
Mrs. Ruby Hurley
Dr. George S. Mitchell

P.S. - Please show to Harold Fleming.

SOUTHERN REGIONAL COUNCIL

63 AUBURN AVENUE, N. E.

ATLANTA 3, GEORGIA

December 5, 1952

Here are minutes of the Nashville meeting (November 17, 1952) of agencies concerned with human relations in the South.

The meeting amounted to this: There are a good many signs in the South that the region begins now to desert the old customary use of racial and religious prejudice in campaigns. Partly, this is to be attributed to the increased number of Negro citizens who vote. One of the best measures for lessening such appeals to prejudice will be the further growth of unrestricted use of the franchise. Meanwhile, it has been proven helpful to have in the record of various lay and religious organizations resolutions passed by those bodies condemning the use of racial and religious prejudice in political campaigns. The time to get such resolutions is when political campaigns are not immediately upon us. Then if the prejudice line is played, organizations which have months or years before taken official action against such efforts will the more readily bestir themselves to oppose the use of prejudice in politics.

The organizations represented at the meeting thought it would be possible to get a wave of such resolutions throughout the South. Devices:

1. Action by the central organizations of denominational and lay groups.

2. Persistent follow-up action by local representatives of the various human relations organizations at work in the South.

3. Copies of resolutions to this effect passed by central or local organizations should be sent to Herman Long, Race Relations Institute, Fisk University, Nashville, Tennessee.

Toward this, the Nashville meeting worked out the attached statement, which it recommends to the policy forming boards of the various organizations for their adoption and implementation. What implementation means is really that they ought themselves, and throughout their local units, to pass their own resolutions against the use of racial and religious prejudice in political campaigns.

The meeting thought this a workable program, though it is difficult to carry through without more funds and tighter organization than any of us have. However, you are all urged to do the best you can. And clearly, the passage of hundreds of such resolutions would do a lot to improve the climate of Southern politics.

So please get your group to work.

Sincerely,

George S. Mitchell
Executive Director

P. S. The Southern Regional Council would like to have word of adoption of the policy statement by any of the organizations at or invited to the Nashville meeting, or by other organizations.

GSM:ec
Encl.

January 13, 1953

Mrs. Ruby Hurley
NAACP, Southeast Regional Office
624 Masonic Temple Bldg.
1630 Fourth Ave., N.
Birmingham, Ala.

Dear Mrs. Hurley:

Try to dig back into your files to the material on the meeting in Nashville November 17, 1952.

Again those present drew up a statement which we hoped would be formally approved as policy by many of the various organizations present or invited.

So far, those approving are SRC, ADL, AJC, and CCS. We will greatly like to add the Southeast Regional Office of the NAACP.

Does it have approval?

I doubt that the statement will be published by any of the organizations. Its recommendation calls for action by many groups, but printing the statement would hardly do good. Though it would be an excellent thing to circulate within all organizations. And that should be done.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

February 25, 1953

Mr. Alex Miller
Anti-Defamation League
11 Pryor St., SW
Atlanta, Ga.

Dear Alex:

Add to your list of organizations officially adopting as policy the statement on use of racial and religious prejudice in political campaigns the Fellowship of Southern Churchmen, which so notified me February 23.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

February 25, 1953

Mr. Howard Kester
Fellowship of Southern Churchmen
Route 1
Black Mountain, N. C.

Dear Buck:

Many thanks for notice that you all adopted the statement. Helps a lot.

I am on hand for April 21 if that's what you finally write me.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

The Fellowship of Southern Churchmen

"... To preach the gospel to the poor, to heal the broken-hearted, to preach deliverance to the captive, and recovery of sight to the blind, to set at liberty them that are bruised, to preach the acceptable year of the Lord."

HOWARD KESTER, *Executive Secretary*
BLACK MOUNTAIN, NORTH CAROLINA

RECEIVED
FEB 25

February 23, 1953

Dr. George Mitchell
63 Auburn Avenue
Atlanta 3,
Georgia

Dear George:

Just a brief note to advise you that the resolution on the use of religious and racial bigotry in political campaigns was formally adopted at the recent meeting of our Executive Board. We will give it all possible publicity.

I have mislaid your note regarding the time when it would be best for you to be with us in the Atlanta conference but as I remember you wanted to come on Tuesday morning, April 21. I'll make a final check of this before making out the initial program. We appreciate your help very much indeed.

As ever yours,

"Buck"

Howard Kester

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FRIENDS OF THE SOIL
FRANCIS DRAKE
Chairman

January 13, 1953

Mr. Howard Kester
Fellowship of Southern Churchmen
Route 1
Black Mountain, N. C.

Dear Buck:

When the group met at Nashville November 17, 1952, they drew up a statement which was sent to you a short while after the meeting. Written out on pages 3 and 4 of the enclosed additional copy of the minutes. The idea was that various organizations would adopt the statement as conforming to their own policy; and then each organization would get busy to get its local groups and their friends to act according to the statement and pass resolutions against the use of racial and political prejudice in political campaigns.

The organizations which have adopted the statement are SRC, AJC, ADL, and CCS.

May we add the Fellowship of Southern Churchmen?

I think no one has any plans for publishing the statement. It would hardly help to publish it. But it ought to be approved by the organizations and circulated within them.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec
Encl.

February 18, 1953

Mr. Alex Miller
Anti-Defamation League
11 Pryor St., SW
Atlanta 3, Ga.

Dear Alex:

As of today, we know of the following formal adoptions of the Nashville statement re use of racial and religious prejudice in political campaigns.

ADL, Southern Office
American Jewish Committee, Southeast Office
Catholic Committee of the South
Texas Commission on Race Relations
Southern Regional Council
Mississippi Division, SRC
American Missionary Association Race Relations Department

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

RACE RELATIONS DEPARTMENT
AMERICAN MISSIONARY ASSOCIATION DIVISION
BOARD OF HOME MISSIONS, CONGREGATIONAL CHRISTIAN CHURCHES
FISK UNIVERSITY OFFICE
NASHVILLE 8, TENNESSEE

HERMAN H. LONG, DIRECTOR

February 6, 1953

RECEIVED
FEB 9
Southern Regional Council

Dr. George S. Mitchell
Executive Director
Southern Regional Council
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear George:

I regret this very late reply to your note concerning endorsement of the special statement from our November 17th meeting here in Nashville. I was away in Cleveland when your letter came on some very important affairs concerning the future of our race relations work, and just did not get around to replying. I am sure that you may add the name of the Race Relations Department to that of the endorses of the statement. We are not a membership group and there is not any special difficulty in adding our name to the list.

With best of wishes,

Sincerely yours,

Herman

Herman H. Long

HHL:ma

Agencies

THE AMERICAN JEWISH COMMITTEE

386 FOURTH AVENUE, NEW YORK 16, N. Y. *Cable Address,* "WISHCOM, NEW YORK"

Telephone MURRAY HILL 5-0181

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RECEIVED
DEC 29 1952
RECEIVED
Southern Regional Council

213 N.E. 2nd Ave.
Miami, Fla.
Phone: 82-4984

December 24, 1952

Mr. George S. Mitchell
Southern Regional Council, Inc.
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear George:

You may list the Southeast Area Office, American Jewish Committee, as a signatory of the policy statement regarding the use of bigotry in political campaigns. The statement is in conformity with our national policy and so I have no hesitancy in endorsing it. In the near future, I hope to have our chapters in Miami, Atlanta and Birmingham pass and publicize similar resolutions. I will also bring it to the attention of other groups in Dade County when this is possible.

I have a sizeable quantity of the enclosed pamphlet "The People Take The Lead" in my office. It is a good one, and ought to get into the hands of organizational leaders. I thought that the various member organizations of the Southern Regional Council might be interested in this pamphlet.

Would you consider it appropriate for you to send a copy to the groups on your mailing list? This could also serve as an opportunity to announce my appointment, the opening of our Southeast Area Office, and its availability as a resource agency in the South. Should the recipients of the pamphlet desire additional copies, a limited quantity are available from my office.

Best wishes for the holiday season.

Cordially

Seymour

Seymour Samet
SE Area Director

SS:fb
Enc.

P2-15

adl.

eleven pryor street, s. w.
atlanta, ga.

dear George Mitchell
Southern Regional Council

Did any organizations subscribe to this document as yet. If not, please be assured that the Southern Office of ADL is glad to sign.

Could you advise me of other signatures as they come in.

Best regards

alex miller

Agencies

STATEMENT ADOPTED BY NASHVILLE MEETING OF AGENCIES CONCERNED WITH HUMAN RELATIONS IN THE SOUTH, NOVEMBER 17, 1952

We, the undersigned, have been gratified to note a trend away from appeals to racial and religious bigotry in recent political campaigns in the South, and we have noticed that this trend is largely attributable to effective action taken by numerous interested organizations aware of the implications of appeals to such prejudices in political campaigning. We wish, therefore, to recommend to, to encourage and to join with all interested groups in the South in the adoption of appropriate statements of principle opposing the use of appeals to racial and religious bigotry in future political campaigning.

We request that publicity be given, where appropriate, to such statements of principle, and that all available communications media be used in such publicity. We would remind, and have all interested organizations and groups remind, all local, state and national party organizations and candidates for political office that this position has been taken and made public.

We would suggest, too, that all public media of communication be respectful of their public trust and refuse any and all political advertisements appealing to bigotry.

March 11, 1953

Mr. Walter White, Secretary
N. A. A. C. P.
20 W. 40th St.
New York 18, N. Y.

Dear Walter:

I quite understand the outcome of the proposal to have a Southwide meeting on school segregation, and do not doubt that the decision is, on the whole, a wise one.

There is still the job of getting these various Southern agencies instructed in the things that are coming. As our periodic gathering concerned with human relations is under instructions from its November, '52, meeting at Nashville to hold a new gathering this spring on the subject of segregation in the schools, I am serving as convener for such a meeting at the offices of the ADL in Atlanta at 11 Pryor Street at 10:00 a. m. Friday, March 27.

I've written Mrs. Hurley and explained that there was a flutter of something larger, but that all that is to happen is merely a regular gathering of the Southern groups. And I have expressed the warmest hope that Mrs. Hurley can come, as in ordinary course, as a member of the group.

I am all appreciation for the fruitful two hours with you. I want it to be the harbinger of continually closer cooperation between the NAACP and the Council.

Sincerely,

George S. Mitchell
Executive Director

P. S. You will understand that our gathering is merely the agencies listed to you in my letter of February 23, being those who have customarily come to these meetings. We have never had press people and won't for this one. Our meeting is small and has not hitherto attracted notice. We just want to inform ourselves and plan ahead. I do hope greatly that Mrs. Hurley can come.

cc: Mrs. Hurley
GSM:ec

CABLE ADDRESS: NACAPEOPLE, N. Y. LONGACRE 3-6890

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

20 WEST 40th STREET, NEW YORK 18, N. Y.

HCF
Please tell Alex Miller about ff 1 of this ltr. Tom
I'll answer this word
love
HCF

AIR MAIL

RECEIVED
FEB 27
Southern Regional Council

February 26, 1953

Dear George:

The matter of the proposed conference we discussed last Monday was considered carefully and at great length at our Committee on Administration meeting on Monday. The conclusion was reached that it would be exceedingly unwise for the NAACP either to initiate or participate in a conference until the court's decision in the school segregation cases is rendered. Having carried the five cases to the court, there is, in the opinion of our Legal Department, grave danger that the court would consider such a meeting an attempt to bring pressure on the court. For this reason we shall have to wait until the court acts.

I have your letter of February 24. Not knowing how much space was given the announcement of the Fund for the Republic's being given $15 million, I send you the story from the Times. I have not talked with Paul Hoffman yet. But the story seems to indicate a rather considerable shift from the original plan. The one that I have discussed with Paul several times provided that the Fund for the Republic itself would do none of the work but would act only as a distributing agent of funds for specific purposes. This looks as though the Fund is going to do the job itself.

Fifteen million dollars is a lot of money. But it is nowhere near adequate to meet the applications pending before the Ford Foundation in the field of race relations alone. I suggest we hold this in abeyance until I talk with Paul, and I will share with you whatever information I obtain.

Cordially,

Walter

Executive Secretary

Mr. George S. Mitchell
Southern Regional Council, Inc.
63 Auburn Avenue, Room 432
Atlanta, Georgia

WW:erb
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February 23, 1953

Mr. Walter White, Secretary
N. A. A. C. P.
20 W. 40th St.
New York 18, N. Y.

Dear Walter:

Further on the matter of a conference on what to do in preparation for the decision of the Supreme Court in the school segregation cases.

The last meeting of the group of agencies concerned with human relations in the South, at Nashville in mid-November, 1952, agreed that the next meeting should occur early in 1953 and should have as its topic "Segregation in the Schools."

The Southern Regional Council could convene the group to meet again, say, in late March of this year. I suggest Fisk University at Nashville as the place for the meeting, with Herman Long again as host. John Hope, for Herman Long, thinks probably space could be had at Fisk for the meeting March 24 and 25 in the International Student Center.

Those who have been coming to the earlier meetings include representatives of your Southeastern Office, the Southeastern Office of the ADL, the Southern Regional Council, the Race Relations Institute at Fisk University, the National Council of Negro Women (Region IV), the Southeastern Office of the National Council of Churches, the Catholic Committee of the South, the Woman's Society of Christian Service of the Methodist Church (Southeastern Jurisdiction), the Southeastern and the Dallas offices of the American Friends Service Committee, the Southeastern representative of the American Jewish Committee, the Southern Field Office of the National Urban League and representatives of various local Urban Leagues, State Divisions of the Southern Regional Council, and the Georgia Interracial Committee.

We have always invited to the meetings and kept informed representatives of the Division of Christian Relations of the Presbyterian Church in the United States, the General Board of Education of the Methodist Church, the Social Service Commission of the Southern Baptist Convention, the Department of Christian Social Relations of the Diocese of Tennessee of the Protestant Episcopal Church, the YWCA National Board (Southern Region), and the Southern Regional Office of the YWCA National Student Council. It would be important

to have these latter and some other people present. I think one main reason for their absence in the past has been the problem of expenses.

Here is a list of all of those we would, in ordinary course, invite, plus a list of special people that it would seem to us desirable to bring on. I have put an asterisk by the name of each person who probably would not be able to get to the meeting unless reimbursement for travel were available.

Alex Miller, Director, Anti-Defamation League, Southern Office, Atlanta
Art Levin, Director, Atlanta Regional Office, ADL
Bernard Lesce, Director, New Orleans Regional Office, ADL*
Gilbert Baldin, Director, Florida Regional Office, ADL, Miami*
Theodore Freedman, Director, North Carolina-Virginia Regional Office, ADL, Richmond*
Seymour Samet, Southeast Area Director, American Jewish Committee, Miami
Tartt Bell, American Friends Service Committee, Southeastern Regional Office, Greensboro*
Olcutt Sanders, American Friends Service Committee, Southwest Regional Office, Austin*
Byron Buckeridge, AFSC Job Opportunities Project, Dallas*
Mrs. Ruby Hurley, Southeast Regional Office, NAACP
Harry Alston, Southern Field Division, National Urban League, Atlanta*
Mrs. Grace T. Hamilton, Atlanta Urban League*
Mr. R. A. Thompson, Atlanta Urban League *
Mr. Levin W. Ansmood, Jacksonville Urban League*
W. H. Bass, Jr., Urban League of Greater Little Rock*
Charles T. Steele, Louisville Urban League*
J. A. McDaniel, Memphis Urban League*
George S. Mitchell, Southern Regional Council, Atlanta
Rev. Dan Whitsett, Alabama Division, Southern Regional Council, Sylacauga*
Rev. Lewis H. Dorr, Arkansas Division, SRC, Little Rock*
Davisson Dunlap, Florida Division, SRC, Jacksonville*
J. M. Tydings, Kentucky Division, SRC, Louisville*
Rev. L. J. Twomy, Louisiana Division, SRC, New Orleans*
John Long, Mississippi Division, SRC, Edwards*
Rev. Leon Russell, North Carolina Division, SRC, Greenville*
J. M. Dabbs, South Carolina Division, SRC, Mayesville
Mrs. Milton Adler, New Orleans Committee on Race Relations*
Mrs. M. E. Tilly, Georgia Committee on Interracial Cooperation, Atlanta*
Mrs. James S. Crate, Texas Commission on Race Relations, Houston*
Mary Jane Willett, YWCA National Board, Southern Region, Atlanta*
Rosalie Colme, YWCA National Student Council, Southern Regional Office, Atlanta*
Mrs. A. W. Plump, National Council of Negro Women, Region IV, Birmingham*
Ernest J. Arnold, National Council of the Churches of Christ in the USA, Southeastern Office, Atlanta
Howard Kester, Fellowship of Southern Churchmen, Black Mountain, North Carolina*
Emerson Smith, Department of Interracial Cooperation of the Virginia Council of Churches, Richmond*
Doris Dennison, General Board of Education, the Methodist Church, Nashville
Herman Long, Race Relations Department, American Missionary Association, Fisk University, Nashville*
Malcolm P. Calhoun, Division of Christian Relations, Presbyterian Church in the U. S., Atlanta*

Executive Secretary, Social Service Commission, Southern Baptist Convention, Louisville*
Rev. Maurice V. Shean, Catholic Committee of the South, Rock Hill, S. C.*
Philip Ogilvie, Catholic Committee of the South, Rock Hill*
Mrs. W. J. Moulder, Fellowship House of Knoxville*
Rev. Peyton Williams, Secretary of Christian Social Relations, Diocese of Tennessee, Nashville

Additional persons:

Two suitable, unpaid appropriate board members from the Presbyterian Church in the U. S.*
Ditto from the Methodist Church*
Ditto from the Episcopal Church*
Ditto from the Social Service Commission of the Southern Baptist Convention*
Ditto from the National Council of Churches*
Mr. Alfred Hynders, editor, Chattanooga Times*
Ralph McGill, Editor, Atlanta Constitution*
Harry Ashmore, Editor, Arkansas Gazette, Little Rock*
Jonathan Daniels, Editor, News & Observer, Raleigh*
Don Shoemaker, Citizen-Times, Ashville*
James L. Coker, Hartsville, South Carolina, manufacturer*
Morris Abram, Atlanta, lawyer*

To this list I should think you and Mrs. Hurley should be in agreement as to additional persons representing the NAACP, and any others that you may think suitable.

That makes a total of about fifty persons who should be offered reimbursement for their travel. Figuring them at roughly fifty dollars apiece, that is a total of $1,250 for the approximately 25 of the 50 who could be expected surely to turn up. If more than 25 of these reimbursable people came, we would have to have some top expense allowance--say, forty dollars. Anyway, I think with $1,250, the meeting could be swung.

The total number of people who would be invited comes, therefore, to somewhere around 65, and the total that might be expected to be present would be about forty.

I should think the meeting ought to begin at 10:00 a. m. on the 24th and be over after luncheon on the 25th. My personal choice would be against speech-making and in favor of plenty of time for that group to become informed and reach conclusions by discussion.

If these plans seem suitable, let me know as soon as you can, and we will call the group together.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

February 9, 1953

Mr. Walter White, Secretary
N. A. A. C. P.
20 W. 40th St.
New York 18, N. Y.

FEB 10
RECEIVED
Southern Regional Council

Dear Walter:

I will give you how far we have got in planning for public reaction on the Supreme Court decision. It falls into two topics: (1) people and machinery and (2) a means of continuing action.

Early in 1952 the Council, working in conjunction with the ADL and various other groups in the South, served as convener for a first meeting of representatives of agencies concerned with human relations in the South. That group has met three times--once in Atlanta, once in Birmingham, and once in Nashville. The Atlanta meeting agreed that there ought to be such a body and called the Birmingham gathering. The Birmingham meeting came in May. Mrs. Hurley made all the arrangements and was really the hostess for it. It drafted and agreed to a statement proposed as policy for the various component organizations about housing needs and bomb violence. See enclosed issue of NEW SOUTH. Those who came to the meeting were asked to cause the statement to be put as a policy matter to the boards of their own organizations for adoption and implementation.

The Nashville meeting was in mid-November, with Herman Long as the convener. It drew up a statement opposing the use of racial and religious prejudice in political campaigns, and those present again were expected to put the statement up to their own boards for adoption and putting into effect. The putting into effect was to mean that organizations and individuals will try to get a good number of resolutions by influential bodies, passed in non-political periods, against political use of prejudice. It was agreed at the Nashville meeting that the next meeting should occur early this year and should have as its topic segregation in the schools.

Those who have been coming to the meetings include representatives of your Southeastern Office, the Southeastern Office of the ADL, the Southern Regional Council, the Race Relations Institute at Fisk University, the Catholic Committee of the South, the Woman's Society of Christian Service of the Methodist Church (Southeastern Jurisdiction), the Southeastern and the Dallas offices of the American Friends Service Committee, the Southeastern representative of the American Jewish Committee, the Southern Field Office of the National Urban League and representatives of various local Urban Leagues, State Divisions of the Southern Regional Council, and the Georgia Interracial Committee.

Others invited and who have not been able to get there, usually because of expense, were appropriate people from the Southern Presbyterian Church, the Southern Baptist Convention, the Department of Christian Social Relations of the Protestant Episcopal Church (Province of Sewanee), the Fellowship of Southern Churchmen, and two or three other similar groups.

All of which merely says that a small body of representatives of interested agencies have been meeting from time to time and are, under their own instructions, to meet soon again on the matter of schools.

Turning now to a longrange program, our thinking has been put on to the continuing task of providing, as controversy and change develop on the whole question from month to month and from year to year, an informed source of information and liberal opinion. The germ of the idea comes, I think, from what the Quakers have been doing in Washington with their small special Community Relations Program, managed by Irene Osborne and Alma Scurlock. About a year and a half ago they began to dig into the facts on the school system in the District of Columbia. Pretty soon they were in position to get out ~~leading~~ mimeographed bulletins to a goodish mailing list of people, showing where discrimination was worst, where it was uneconomical, in what

schools and with what classes and in what neighborhoods integration was most pressingly called for, answering simple prejudice wherever it appeared, and pressing the D.C. School Board for action in the Quaker spirit.

Taking a cue from that, we in the Council have thought that a highly desirable step would be to get going in each Southern State at the earliest possible date a private voluntary committee concerned with matters of school and race in each State. Such a committee, to be effective, would have to be assisted by competent paid personnel. Our longrange view is that the whole matter of integration in the Southern schools would be solved within the American democratic system if Southern cities and counties and States did the reasonable and American thing of including, by election or appointment, Negro school board members. Under present circumstances, Negroes have every reason to be suspicious of statements by or on behalf of politicians or school boards as to steps already taken toward equalization or any other steps in the whole matter of integration. As only Kentucky and North Carolina among Southern States have Negro members of the State school boards, the reasonable democratic practice is not available in the other States, and when you come to local school boards, the number with Negro representation is a handful—five or six that we know of.

Under these circumstances, it would seem to us wise to construct in each State a School Committee which would in some sense parallel the State School Board, but which would faithfully represent the interests of all concerned—Negro parents and white parents, Negro teachers and white teachers, Negro teacher training institutions and their white counterparts, and so on. As controversy unfolds, such a committee, armed with facts, could present what seems to them the truth. We suppose that in State after State leading public officials will go before their legislatures and urge appropriations of this or that sum to accomplish this or that change far short

of what the law really requires or what public opinion is prepared to agree to. At that point, the spokesman for the School Committee would come forw ard with another estimate of the facts and other recommendations. Thus, the process of decision-taking, State by State, would be with benefit of the conclusions of a non-racial committee, minutely informed as to the school system of the State. Further, we suppose that in the course of four or five years' work by the School Committees, many in each State would see the advantage of straightforward Negro representation, and the normal American democratic solution of Negro representation on the official boards would begin to come into play.

All of that fits in with our major plan for putting full-time paid personnel in each Southern State and developing a really vigorous movement, State by State. That means a lot of money, and we have asked for it but haven't been promised it, and certainly haven't got it.

Meanwhile, we know the urgency of action, think this the desirable course, and have not the funds to proceed to get it under way.

It would be a simple matter to set an early date for the next meeting of the Southwide group at a time that would be suitable to you and others of your associates, and the whole body could confer together. I quite realize that that may be much too limited an assembly to do the exploring you want to do. But I think we would fall in cheerfully with whatever larger plans you might make. But I offer that as a possible course.

If there were some money with which to pay expenses to people to come to an additional meeting of these Southern agencies concerned with human relations, it would be possible to get pretty much all of the groups represented, and that would bring in the church people more effectively than heretofore. I think that these who have been coming to or have been invited

to those meetings are pretty much the people that you want to tap for the Southeast. Confessedly, our reach is slim to the Southwest, and maybe something extra and special ought to be done there.

The Southern Regional Council is merely one of the agencies which is accustomed to meeting in this way, and we do not lead or in any way direct the group.

Over and above whatever exploring is done preliminarily, I suppose there ought to be a large Southwide gathering which could bring in really head people in various public opinion groups. All very well to consult closely and privately the operating secretaries of bodies and boards. But necessary to get action in the end to bring in the head people also. Unfortunately, that takes money again, because so many of them hold unpaid offices.

We stand ready to help with the next step, whatever may seem suitable.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

February 11, 1953

Mr. Walter White, Secretary
N. A. A. C. P.
20 W. 40th St.
New York 18, N. Y.

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Early in 1952 the Council, working in conjunction with the ADL and various other groups in the South, served as convener for a first meeting of representatives of agencies concerned with human relations in the South. That group has met three times—once in Atlanta, once in Birmingham, and once in Nashville. The Atlanta meeting agreed that there ought to be such a body and called the Birmingham gathering. The Birmingham meeting came in May. Mrs. Hurley made all the arrangements and was really the hostess for it. It drafted and agreed to a statement proposed as policy for the various component organizations about housing needs and bomb violence. See enclosed issue of NEW SOUTH. Those who came to the meeting were asked to cause the statement to be put as a policy matter to the boards of their own organizations for adoption and implementation.

The Nashville meeting was in mid-November, with Herman Long as the convener. It drew up a statement opposing the use of racial and religious prejudice in political campaigns, and those present again were expected to put the statement up to their own boards for adoption and putting into effect. The putting into effect was to mean that organizations and individuals will try to get a good number of resolutions by influential bodies, passed in non-political periods, against political use of prejudice. It was agreed at the Nashville meeting that the next meeting should occur early this year and should have as its topic segregation in the schools.

Those who have been coming to the meetings include representatives of your Southeastern Office, the Southeastern Office of the ADL, the Southern Regional Council, the Race Relations Institute at Fisk University, the Catholic Committee of the South, the Woman's Society of Christian Service of the Methodist Church (Southeastern Jurisdiction), the Southeastern and the Dallas

offices of the American Friends Service Committee, the Southeastern representative of the American Jewish Committee, the Southern Field Office of the National Urban League and representatives of various local Urban Leagues, State Divisions of the Southern Regional Council, and the Georgia Interracial Committee.

Others invited and who have not been able to get there, usually because of expense, were appropriate people from the Southern Presbyterian Church, the Southern Baptist Convention, the Department of Christian Social Relations of the Protestant Episcopal Church (Province of Sewanee), the Fellowship of Southern Churchmen, and two or three other similar groups.

All of which merely says that a small body of representatives of interested agencies have been meeting from time to time and are, under their own instructions, to meet soon again on the matter of schools.

Turning now to a long-range program, our thinking has been put on to the continuing task of providing, as controversy and change develop on the whole question from month to month and from year to year, an informed source of information and liberal opinion. The germ of the idea comes, I think, from what the Quakers have been doing in Washington with their small special Community Relations Program, managed by Irene Osborne and Alma Scurlock. About a year and a half ago they began to dig into the facts on the school system in the District of Columbia. Pretty soon they were in position to get out mimeographed bulletins to a goodish mailing list of people, showing where discrimination was worst, where it was uneconomical, in what schools and with what classes and in what neighborhoods integration was most pressingly called for, answering simple prejudice wherever it appeared, and pressing the D. C. School Board for action in the Quaker spirit.

Taking a cue from that, we in the Council have thought that a highly desirable step would be to get going in each Southern State at the earliest possible date a private voluntary committee concerned with matters of school and race in each State. Such a committee, to be effective, would have to be assisted by competent paid personnel. Our long-range view is that the whole matter of integration in the Southern schools would be solved within the American democratic system if Southern cities and counties and States did the reasonable and American thing of including, by election or appointment, Negro school board members. Under present circumstances, Negroes have every reason to be suspicious of statements by or on behalf of politicians or school boards as to steps already taken toward equalization or any other steps in the whole matter of integration. As only Kentucky and North Carolina among Southern States have Negro members of the State school boards, the reasonable democratic practice is not available in the other States, and when you come to local school boards, the number with Negro representation is a handful—five or six that we know of.

Under those circumstances, it would seem to us wise to construct in each State a School Committee which would in some sense parallel the State School Board, but which would faithfully represent the interests of all concerned—Negro parents and white parents, Negro teachers and white teachers, Negro teacher training institutions and their white counterparts, and so on. As controversy unfolds, such a committee, armed with facts, could present what seems to them the truth. We suppose that in State after State, leading public officials will go before their legislatures and urge appropriations of this or that sum to accomplish this or that change far short of what the law

really requires or what public opinion is prepared to agree to. At that point, the spokesman for the School Committee would come forward with another estimate of the facts and other recommendations. Thus, the process of decision-taking, State by State, would be with benefit of the conclusions of a non-racial committee, minutely informed as to the school system of the State. Further, we suppose that in the course of four or five years' work by the School Committees, many in each State would see the advantage of straightforward Negro representation, and the normal American democratic solution of Negro representation on the official boards would begin to come into play.

All of that fits in with our major plan for putting full-time paid personnel in each Southern State and developing a really vigorous movement, State by State. That means a lot of money, and we have asked for it but haven't been promised it, and certainly haven't got it.

Meanwhile, we know the urgency of action, think this the desirable course, and have not the funds to proceed to get it under way.

It would be a simple matter to set an early date for the next meeting of the Southwide group at a time that would be suitable to you and others of your associates, and the whole body could confer together. I quite realize that that may be much too limited an assembly to do the exploring you want to do. But I think we would fall in cheerfully with whatever larger plans you might make. But I offer that as a possible course.

If there were some money with which to pay expenses to people to come to an additional meeting of these Southern agencies concerned with human relations, it would be possible to get pretty much all of the groups represented, and that would bring in the church people more effectively than heretofore. I think that these who have been coming to or have been invited to these meetings are pretty much the people that you want to tap for the Southeast. Confessedly, our reach is slim to the Southwest, and maybe something extra and special ought to be done there.

The Southern Regional Council is merely one of the agencies which is accustomed to meeting in this way, and we do not lead or in any way direct the group.

Over and above whatever exploring is done preliminarily, I suppose there ought to be a large Southwide gathering which could bring in really head people in various public opinion groups. All very well to consult closely and privately the operating secretaries of bodies and boards. But necessary to get action in the end to bring in the head people also. Unfortunately, that takes money again, because so many of them hold unpaid offices.

We stand ready to help with the next step, whatever may seem suitable.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec
Encl.

CABLE ADDRESS: NACAPEOPLE, N. Y. LONGACRE 3-6890

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

20 WEST 40th STREET, NEW YORK 18, N. Y.

January 30, 1953

Dear George:

The National Association for the Advancement of Colored People is seriously concerned with the public relations problems which may be raised by the Supreme Court decisions in the public school segregation cases. We are interested in exploring possible ways and means of meeting such a situation.

We are considering the possibility of calling a conference in the South of public relations experts in that area to see what can be done jointly to meet this issue by way of reaching opinion moulding sources. We would appreciate your reaction to this idea, your suggestions as to an agenda and your recommendations as to persons and representatives of organizations who should be invited to join with us in such an undertaking. The conference, of course, would be interracial and, as we see it now, would be without benefit of publicity. In short, it would be exploratory with the idea of leading to a positive program.

We would appreciate hearing from you at your earliest convenience.

Ever sincerely,

Walter

Secretary

Dr. George Mitchell
Southern Regional Council
63 Auburn Avenue
Atlanta, Georgia

WW:mw

March 11, 1953

Mrs. Ruby Hurley
N. A. A. C. P.
Southeast Regional Office
624 Masonic Temple Bldg.
1630 Fourth Ave., N.
Birmingham, Ala.

Dear Mrs. Hurley:

Back a couple of weeks ago there was a flutter about enlarging this meeting, getting some money to pay people to come to it, and making it in some sense a joint undertaking of NAACP nationally with the organizations. In the end, that did not get approved by the NAACP people nationally. Wherefore, we are simply convening the meeting like the others, as discussed by the Nashville November meeting.

Do please come over to it. You can contribute greatly to everyone's understanding of the problem involved. And I think it will be a real help to get all those people instructed in the things we're all going to be up against pretty soon.

Sincerely,

George S. Mitchell
Executive Director

GSM: ec
Encl.

March 11, 1953

Mrs. Ruby Hurley
N. A. A. C. P.
624 Masonic Temple Bldg.
1630 Fourth Ave., N.
Birmingham, Ala.

Dear Mrs. Hurley:

You will remember that the Nashville meeting of agencies concerned with human relations in the South, last November, wanted another meeting held this spring on the issues involved in school segregation.

This meeting is now called for Friday, March 27, in Atlanta, 10:00 a.m., at the offices of the Anti-Defamation League of B'nai B'rith, 11 Pryor Street, SW. We expect to be through by 3:30 p.m. ADL will provide lunch. Still no expense money, and we will all have to do our best to get there on our own steam.

Certainly a timely topic, and plenty to talk about. I do greatly hope you or someone from your group can be present.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

March 12, 1953

Rev. M. J. Ellis
St. George Episcopal Church
Griffin, Ga.

My dear Mr. Ellis:

For a year or so representatives of various groups in the South interested in human relations matters have been coming together informally to discuss particular Southern problems. In May of last year the group met at Birmingham, with housing as the topic. In November we met at Nashville, concerning ourselves with the use of racial and religious prejudice in political campaigns. The Nashville meeting directed that another gathering be held this spring to talk about problems raised by whatever may be the forthcoming decision of the United States Supreme Court on matters of school segregation.

I send you, along with this, minutes of the two earlier meetings, so that you may see who took part and the tenor of our discussions.

Another meeting is to be held Friday, March 27, at 10:00 a.m., in the offices of the Anti-Defamation League of B'nai B'rith, 11 Pryor Street, S.W., here in Atlanta. We have customarily invited someone from the Episcopal Church, and I do hope it will be possible for you or someone whom you name to come as a formal or informal representative of the Department of Christian Social Relations in this diocese.

The meetings have occurred heretofore without publicity, and they are solely to exchange information and make such joint plans as may be agreeable to all or any of the agencies concerned.

The gathering is autonomous, by which I mean to say that the Southern Regional Council, in serving for this or that meeting as convener, claims no place of leadership among the various agencies invited to attend. I don't know what you may know of our Council, but it has, over the years, had the friendly cooperation of many Episcopalians, and various of our bishops have, from time to time, been on its Board of Directors.

As they tell me out at St. Philip's that you are chairman of Christian Social Relations for the Diocese of Atlanta, I address the invitation to this gathering to you. It would a great pleasure to all of us if you should find it possible to be present.

Sincerely,

George S. Mitchell
Executive Director

GSM:ec

April 15, 1953

Mr. Walter White
N. A. A. C. P.
20 W. 40th St.
New York 18, N. Y.

Dear Walter:

Here are minutes of the meeting in Atlanta March 27. We were all particularly appreciative of Mrs. Hurley's being present.

The minutes have been sent out not only to the agencies that came but to a long string of others that have been customarily invited to these gatherings.

I am going ahead and asking the head people for the Council in the various States to arrange similar small meetings as early as possible in their States.

With warm regards,

Sincerely,

George S. Mitchell
Executive Director

GSM:ec
2 encls.

OUTLINE ANALYSIS ON THE USE OF BIGOTRY IN POLITICAL CAMPAIGNS

I. Present status of public interest in the issue of using appeals to bigotry in political campaigns.

   A. This year marks the greatest movement in U.S. History towards discrediting bigots.

   B. Political leaders on a large scale have denounced the use of bigotry as a political weapon.

   C. Organized efforts have been made in many communities to stop bigotry through the formation of Fair Election Campaign Committees.

   D. Widespread press coverage has been secured both through straight news releases and editorial comments.

II. Sources of material utilized in this report.

   A. Statements and memorandums from social, intergroup and political agencies.
      1. Those primarily interested in the Jewish segment of the community.
         a. American Jewish Committee
         b. Anti-Defamation League of the B'nai B'rith
         c. Jewish Community Relations Council
      2. Other intergroup-work agencies
         a. Southern Regional Council
         b. American Civil Liberties Union
         c. Philadelphia Fellowship Commission
      3. Political organizations
         a. Democratic National Committee
         b. Republican National Committee
         c. U. S. Senate Committee on Rules and Administration

   B. Newspaper reports and editorials
      1. Large and small daily papers throughout the country
         a. New York Times
         b. Miami Herald
         c. Raleigh News and Observer
         d. Atlanta Constitution
         e. Fall River (Mass.) Herald-News
      2. Papers directed towards minority groups
         a. Jewish Floridian
         b. Southern Isrealite
      3. A strictly political sheet
         a. Georgia Statesman

III. Uses of bigotry

   A. Examples
      1. The distribution of handbills in North Carolina against a gubernatorial candidate on the alleged intention of his to appoint a Negro Paroles Commissioner and end segregation in public schools.

2. The use of previous professorship in Negro schools as an argument against a Congressional candidate in Georgia
3. Gov. Byrnes' appeal to the southern whites to unite to block Truman administration tactics of patronage alliances
4. Gov. Talmadge's fight for the continuation of the County Unit System to maintain segregation in the school system
5. The campaign of an Oregon congressional candidate on a completely anti-Semitic platform
6. Distribution of anti-Semitic literature and defamatory caricatures of Eisenhower by Gerald L. K. Smith
7. Publication of an anti-Semitic "Williams Intelligence Summary" attacking Eisenhower
8. Issuance of Joe Kamp's "Headlines" attacking Eisenhower and using Jewish names in unsavory context as managers of Eisenhower
9. Continuous circulation of reports referring to Eisenhower as a terrible "Swedish Jew," a pro-Communist, a Catholic, a tool of the Jewish barons on Wall Street

B. Breakdown into content and appeal of uses of bigotry
1. Racial slurs
a. Content
i. Issue of mixed schools as the beginning of the end of segregation in the South
ii. Pronouncement that FEPC is an infringement on the rights of the states and of the southern people
b. Appeal -- Since this type of program was carried out primarily on a regional basis, its appeal would be centered among the State's Rights and pro-segregation people
2. Anti-Semitic literature
a. Content
i. Pamphlets by professional hate mongers, most of which attacked Eisenhower and favored MacArthur
ii. Circulation of rumors with anti-Semitic connotations with some press coverage on a local level
b. Appeal
i. Widespread appeal to fanatics and among those who are known to be professional hate mongers.
ii. Pressure seems also to have been exerted upon the politically naive, the uninformed, and the easily impressed.

IV. Evaluation of the issue in terms of present and future activities
A. Especially significant is the work accomplished thus far in securing the pledge of political leaders to eliminate bigotry in political campaigns and in bringing these pronouncements before the public
B. The program has been aided a great deal by the cooperation of various agencies, responsible citizens, and the press
C. It is suggested that this program be carried on, incorporating with present activity a program of increased education for the politically naive and uninformed voter even in times of less emphasis on political campaigns. Both the media of mass communication and personal contact could be effectively utilized in carrying out such a program, with the goal in mind that bigotry on a large scale will end when intelligent voters have a type of awareness which is not susceptible to these types of material and charges.

OUTLINE REPORT ON THE USE OF BIGOTRY IN POLITICAL CAMPAIGNS:

No previous election year in the history of the United States has seen a greater movement than the present one towards discrediting bigots and the use of bigotry in election campaigns. Statements from both Republican and Democratic Committee chairmen, from local and federal political leaders, and from prominent members of many communities denouncing the use of bigotry as a campaign weapon, have been distributed widely and publicized through straight news coverage and in editorial comments from the Press. An organized effort at carrying this program to the local level has been maintained through the establishment of Fair Election Campaign Committees in communities where there is any liklihood that such a committee could become necessary as a seat of reference and judgement on accusations of bigotry and also as a foundation for continuing these policies in future election years and political campaigns. While we have no statement of the number of such committees which have been formed or the results of their efforts, the widespread publicity which the movement has received in its campaign against political bigotry is an indication of public arousal and denial of such tactics.

The material for this report has been taken from a variety of sources, including statements and memorandums from social, intergroup, and political agencies which have had a particular interest in the denouncement of bigotry in politics. Among these have been: the American Jewish Committee, Anti-Defamation League of B'nai B'rith, Southern Regional Council, American Civil Liberties Union, Philadelphia Fellowship Commission, Jewish Community Relations Council, the Democratic National Committee, Republican National Committee

and the United States Senate Committee on Rules and Administration. In addition both news articles and editorials have been utilized from papers which represent a cross section of large and small dailies, those directed toward minority groups, and a strictly political sheet. Some of these were: the New York Times, Miami Herald, Raleigh News and Observer, Atlanta Constitution, Fall River (Mass.) Herald-News, Jewish Floridian, Southern Isrealite, and the Georgia Statesman.

To most clearly show the work of bigots, a number of examples will be cited:

Early in May, handbills were distributed in large numbers in Eastern North Carolina against the election of Hubert Olive for governor due to his alleged intention to appoint a Negro as head of the Parole's Commission and to end segregation in public schools. The handbills showed Olive with his campaign committee members, one of whom was identified as a Negro, with the following copy: "...Before you vote May 31, ask yourself two questions: Do you want a Negro Paroles Commissioner? Do you want your children to go to school with Negroes?" This incident was brought before the courts as a test case of the laws governing the distribution of handbills as a part of campaign procedure in North Carolina.

During the Georgia congressional race between James Davis and Baxter Jones, an advertisement, "paid for by friends of Congressman Davis", appeared in the Atlanta Journal, critical of Jones for teaching at Atlanta University and Morehouse College, institutions for Negroes. The advertisement also declared that "Congressman Davis has declined to mention the above facts because he did not want to say anything to create religious or race bitterness in the community."

Preceding the Democratic Convention, Governor James Byrnes of South Carolina again appealed to the white people of the Southern states, "the biggest minority in this country", to block the "antagonisms of the Truman administration and the political pressures exerted by big-city minority groups through patronage alliances."

In the September 4, 1952 issue of the "Statesman", Herman Talmadge again makes his stand urging voters to show their wish to continue the County Unit Amendment. This issue headlines that: "A vote for the county unit amendment is a vote against: 1) Mixed schools, 2) Boss rule, 3), Organized crime, 4) County consolidation." This theme is carried throughout the paper with particular emphasis on the destruction of segregated patterns of life if the county unit system is not maintained.

In Oregon, Kenneth A. Brown sought a Republican Congressional nomination on an out-in-out anti-Semitic platform, ascribing all the country's ills to the Jews.

Gerald L. K. Smith first started his political anti-Semitic literature during the bitterly contested New Hampshire primary. He has continued these efforts through posters and leaflets for MacArthur under the name of "Independent Republicans", with defamatory caricatures attacking Eisenhower. Also at the Convention, Smith was present representing the "Patriotic Tract Society" distributing leaflets with a drawing of George Washington with the face of General MacArthur.

Robert H. Williams started a year ago to promote MacArthur, attacking Eisenhower, through the publication of a strictly anti-Semitic "Williams Intelligence Summary".

Prior to the Convention, Joe Kamp flooded the mails with copies of his latest issue of "Headlines", which attacked Eisenhower with strong anti-Semitic connotations and supported Taft. Jewish names were used in unsavory context and reported to be backers or managers of Eisenhower.

Continuous reports were circulated referring to Eisenhower as a "terrible Swedish Jew", a statement taken from the 1915 edition of the West Point year book. These reports, however, neglected to mention that the commentary in this year book is supposedly of a humerous nature.

These examples are but a few of those which might be enumerated as evidence of bigotry in the political campaigns this year. We note first of all a general breakdown into direct racial slurs and anti-Semitic literature. In the racial area, the content centered around the issue of mixed schools as the beginning of the end of segregation in the South. In addition, both Governor Byrnes and Governor Talmadge proclaimed federal FEPC as an infringement on the rights of the states and the southern people. The appeal of this type of bigotry is obviously directed in a regional nature, towards the states rights and pro-segregation people. Undoubtedly if this type of bigotry were carried out more widely throughout the country,it would gain an appeal in many sectors; however, racial emphasis has been on a regional plane for the most part.

Anti-Semitic literature, on the other hand, has been much more widely distributed. It can be most generally broken down into the type put out by professional hate mongers, of which but a few examples have been mentioned, and that which has crept into smaller community politics with some press

coverage through naivety and ignorance on the part of those who have been approached by the hate mongers and their material. The outstanding example of this type of activity was shown in the example of Eisenhower labelled as a "Swedish Jew". Variations on this theme have presented Eisenhower as a pro-Communist, a Catholic, a tool of the Jewish barons on Wall Street, etc. It is much more difficult to show here the type of appeal that these statements, rumors, and pamphlets exert. Bigotry has been denounced severely throughout the country in newspapers and by political leaders; however, the work of these professional hate mongers and others appears to be based more on an appeal to fanatics and to the uninformed and easily impressed.

Perhaps it is on this standpoint that the issues should be most seriously considered in terms of present and future activity. The work accomplished thus far by Fair Election Campaign Committees and others interested in the problem has been significant in securing the pledge of political leaders to eliminate bigotry in federal campaigns and in bringing these pronouncements before the public. It may be possible that these and other responsible citizens could incorporate with this program one of increased education for the informed and politically naive voter, on such a plane that there would be an increased awareness of issues and personalities even in times that carry less emphasis on politics and campaigns than the present. Both the media of mass communication and personal contact could be effectively utilized in carrying out such a program, which would eventually mean the end of bigotry on a large scale due to the lack of "takers" for such kinds of material and charges.

FILE

SOUTHERN REGIONAL COUNCIL, Inc.
63 AUBURN AVENUE, N. E.
ATLANTA 3, GEORGIA

September 5, 1945

To: SRC Members in Alabama

We take pleasure in calling your attention to this report on "Democracy and the Constitution," which has recently been published by the Alabama Policy Committee.

If you have already seen this publication, won't you please pass it on to someone else.

Cordially yours,

Guy B. Johnson

GUY B. JOHNSON
Executive Director.

GBJ:IBT

Alabama Policy Bulletin No. 14

REPORT OF THE

Thirteenth Annual Policy Conference

ON

Democracy And The Constitution

Local Government and Democracy

Democracy and Representation

MONTGOMERY, ALABAMA
April 14, 1945

Published by the
ALABAMA POLICY COMMITTEE

The Thirteenth Alabama Policy Conference met under the aspices of the Alabama Policy Committee at the Whitley Hotel, Montgomery, Saturday, April 14, 1945. The general subject was DEMOCRACY AND THE CONSTITUTION. Sub-topics for the Conference were **Local Government and Democracy,** with particular reference to the responsibilities of local government in relation to taxation and finance; and **Democracy and Representation**—the ballot, registration and voting procedure, qualifications for voting, apportionment. Chairman C. B. Smith presided.

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Foreword

DEMOCRACY AND THE CONSTITUTION

At this time, when the forces of the democracies are waging successful war against totalitarianism in all corners of the world, the Alabama Policy Committee has considered it appropriate and obligatory to devote attention to the extension of democracy here at home. To that end the program of the Thirteenth Alabama Policy Conference was built around the general subject, Democracy and the Constitution.

Recognizing that the strength of all organized society rests in the smaller units of government, and depends upon a sense of responsibility and the active participation of the individual citizen in local government, the subject of Local Government and Democracy was discussed in relation both to taxation and finance and to state legislation and local autonomy.

Knowing also that Alabama's suffrage pattern is the most burdensome, restrictive and undemocratic of any of the United States, and perhaps of any state or nation operating under a republican or representative form of government, the important subject of Suffrage and Elections was considered from the angles of history, registration, voting qualifications, and apportionment.

On Local Government.—The problem of local government has been of considerable interest to the Alabama Policy Committee since its organization in 1936. On the important subject of "Integrating State and Local Taxation" the Fourth Alabama Policy Conference, October 22, 1937, had this to say:

> "The problem of raising money for operation of State Government is closely related to the financing of counties, municipalities and boards of education. In considering the state ad valorem tax, for example, it should be remembered that of a $2.10 average rate throughout the state, only twenty-five cents goes to the State Government's General Fund, ten cents to the Pension Fund, and thirty cents to the Public School Fund. During the fiscal year 1936-37 the total ad valorem tax received by the state was only about $6,000,000 as against a total of $19,000,000 for state, county and school district (but not for municipal) purposes. Half of the gasoline tax goes to the counties and many municipalities impose an additional levy. Other revenues such as the sales tax and alcoholic beverage income go in part to local government, and that derived from the poll tax goes in its entirety to the counties where raised. Local licenses are generally imposed at the rate of 50 per cent of those levied by the state. Obviously the state and local revenue problems must be coordinated.
>
> "There is another aspect of the local revenue problem which bears directly on that of the state. That is the increasing practice of providing counties, road districts and boards of education with state-raised funds. The people of the state as a whole have an interest in the diffusion of good schools and good roads and other elements in the development of our state, which justified the principle of equalization. But the principle may be extended to a point where local participation in the burden of public expenditures may lag, and where gross inequalities in our tax structure may arise among the several counties."

The problems suggested in the above paragraphs are still paramount

today, and were discussed with some variance in philosophy by the panel members. They threw light on the problems of distribution of governmental services, which continue to increase, between local units and the state and improvement of the participation of the local unit in financing them.

Suffrage and Elections Amendment Proposed.—After the discussions on suffrage and elections, **the Conference voted to recommend that the Legislature submit the following paragraphs on Suffrage and Elections as an amendment to the Constitution in lieu of the present Suffrage and Election sections.** They are sections approved for the Proposed Model Constitution for Alabama by the Sixth Alabama Policy Conference, February 10-11, 1939, and were adopted from the Model Constitution of the National Municipal League:

> **"Every citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state one year preceding the election, and of the county, precinct or election district in which he resides, such time as may be provided by law, shall have the qualification of an elector.**
>
> **"The Legislature shall provide by law a system by which electors absent from their voting residence on election day shall not be denied the privilege of voting.**
>
> **"For the purpose of voting, no person shall be deemed to have gained residence by reason of his presence or to have lost it by reason of his absence while in the service of the United States, of the state government, of a municipality of the state, or while navigating the waters of the United States or the high seas, or while a student of an institution, or while kept at an institution at public expense, or while confined in prison.**
>
> **"The voting residence of a married moman shall be where she actually resides, and shall not be determined by the residence of her husband.**
>
> **"An American citizen otherwise qualified to vote shall not be deemed to have lost her privilege by marriage to an alien.**
>
> **"No poll tax shall be levied as a requirement for voting."**

These simple provisions leave the responsibility of providing registration and election procedures to the Legislature, which is where it should rest.

On Suffrage and Elections.—In addition to the above action regarding Suffrage and Elections, at the Fourth Alabama Policy Conference in October, 1937, the organization made the following recommendation regarding the poll tax:

> **"Poll Tax.—As a source of revenue the poll tax is not important. As a voting qualification it is undemocratic and tends permanently to disfranchise a substantial part of the electorate. We recommend its abolition through appropriate amendment to the Constitution. If this should not prove practicable, we recommend, as an alternative, that the cumulative provisions of the law be reduced to a maximum not to exceed two years."**

The sentiment of the recent Conference was substantially the same, with the exception that complete abolition was generally advocated. As is indicated by the proposed amendment, complete removal of all restrictions on suffrage was generally favored, with a number somewhat insistent that a reasonable educational or literacy test should be retained. Reduction of the residence requirement to one year was approved.

While most of the panel members pointed to the poll tax as the chief

cause of disfranchisement of hundreds of thousands of Alabamians who are qualified to vote intelligently, Mr. Ray insisted that the system of registration was the heart of a sound election system. In his discussion of the history of the ballot, Mr. Dowling declared that for more than five hundred years the trend had been toward a more and more liberal franchise, that property tests and any tax qualifications were more and more unpopular, that the absentee ballot was generally approved, and that the secret ballot was a necessity in a democracy.

The consensus of opinion was that Alabama had reached a stage educationally, politically and otherwise, which demanded, and that Alabama's place in the nation required, removal of the undemocratic and burdensome barriers to suffrage, development of a straight-forward, accurate, and permanent registration plan, and a strictly secret ballot.

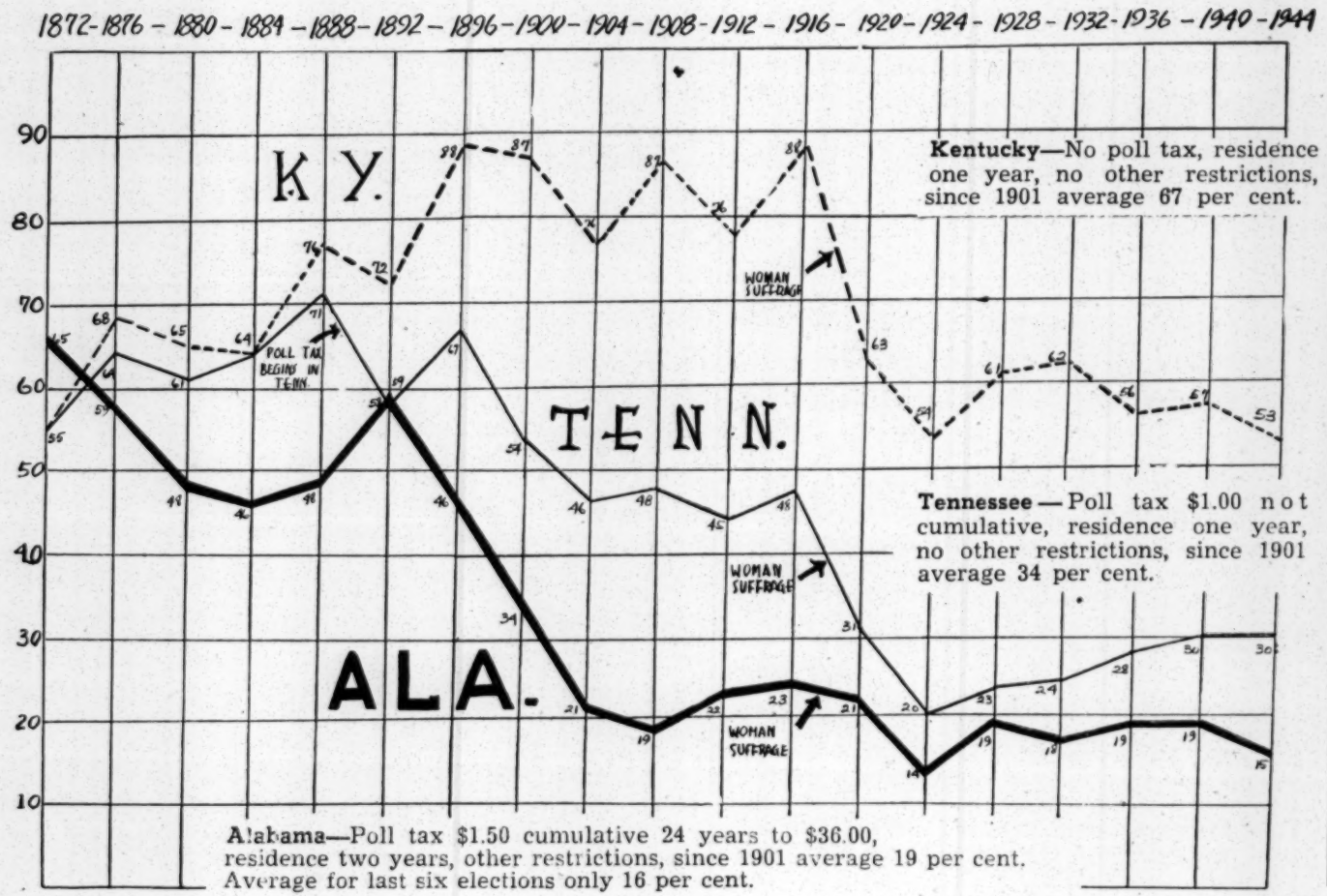
Personal and Editorial Opinion.—It is always the objective of the Alabama Policy Committee to present all sides of a controversial issue. As has been indicated, the Conference as a whole was for general electoral reform. Speakers for the opposition and others known to favor the present system were invited to participate in the discussions but could not attend. Toward affording a more complete coverage for Legislators and others who may wish to use this publication in studying the question, varying points of view are presented in Personal and Editorial Comment, page 48. It is, however, pertinent to note that within the last few years, personal and editorial comment as reflected through the state press shows a marked trend toward state repeal of the poll tax and general improvement of our election system. For those who are interested, the arguments for repeal by Congress are carried on page 38.

Charts and Maps.—To throw further light on the subject, charts and maps, illustrating the adverse effects of our present suffrage laws were presented to the Conference. **One chart (see pages 30, 31) comparing the poll-tax states with the non-poll-tax states shows how voting falls short in the poll-tax states. For statistical table, see appendix, page 46.** In the Southern States 27.9 per cent of the potential voting population voted in the 1944 presidential election, whereas the percentage was 61.9 in other states. **In the eight poll tax states—Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Virginia—only 19 per cent voted, but in North Carolina, Louisiana and Florida, Southern States which have repealed the poll tax, 32.6 per cent voted. Alabama ranked next to the lowest with only 16 per cent. Georgia repealed the poll tax in February, 1945.**

A second chart (page 4) compares voting in Alabama with voting in the States of Kentucky and Tennessee in presidential elections from 1872 to 1944. Readers will find much to reflect about in this chart, but we shall mention here only these rather obvious facts: In Kentucky, with no poll tax and only a one year residence requirement, votes cast range from a high of 88 per cent to a low of 53 per cent of the potential voting population. In Tennessee, which has a poll tax of $1.00 which is not cumulative and no other restrictions, the vote ranged between 67 and 20 percent. **In Alabama, with a cumulative poll tax since 1901 of $1.50 cumulative for 24 years to $36.00, a two year residence requirement, limited registration periods, and other restrictions, the vote drops from a high of 65 per cent in 1872 to a low of 14 per cent in 1924, with an average of only 19 per**

ALABAMA'S RESTRICTIVE SUFFRAGE LAWS REDUCE VOTING TO MINIMUM

Percentage of Potential Voting Population of Alabama, Kentucky, and Tennessee, Voting in Presidential Elections, 1872-1944



cent since 1901 and of only 16 per cent in the last six elections. The people of these three states are very much alike in background, but it is only fair to point out that the Negro population differs—nine per cent in Kentucky, 16 per cent in Tennessee, and 35 per cent in Alabama. **Kentucky's average vote since 1901 has been 67 per cent and Tennessee's 34 per cent, as compared with Alabama's 19 per cent.**

The 1901 Constitution.—Although other Southern States were setting up barriers to free registration and suffrage at the time, those developed by the 1901 Constitutional Convention in Alabama represented by far the most drastic departure from the past. Alabama had come into the Union in 1819 with general white manhood suffrage, the first state to be admitted without economic restrictions on voting since Vermont in 1791. Provisions of the 1819 Constitution were practically repeated in 1861 and 1865. In 1868, the so-called "Carpet-bag" Constitution provided for **universal** manhood suffrage, enfranchising the Negroes, but excepting certain important white men. In 1875, Alabama came in for another homerule Constitution, this time providing for universal manhood suffrage without racial discrimination. It extended the franchise to all male persons twenty-one years of age or over, citizens and foreigners who had declared their intention to become citizens, who had resided in the state for one year, in the county for three months, and in the precinct or ward for thirty days immediately preceding the election.

Convention Views on the Suffrage Provisions.—Much remains to be done in recording the history of the Constitutional Convention of 1901, the real reasons for its being assembled, the marked division among members on the suffrage proposals, the influence of the railroads, the conduct of the election on November 11, 1901, and so on. The discussions and editorial comments which follow throw considerable light on the main purposes of the Convention, chief of which were to limit the electorate and to protect the corporations.

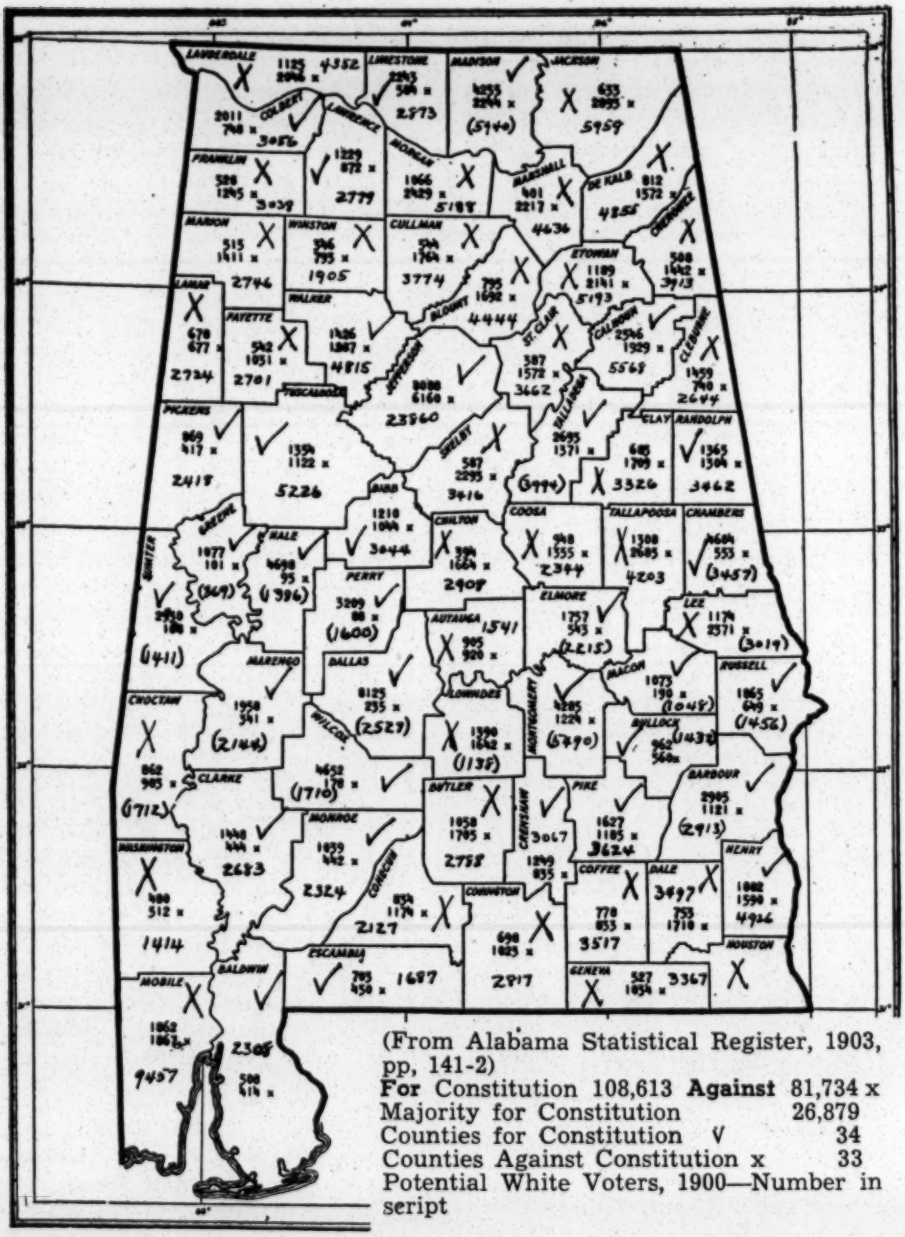
These statements show the range of opinion in the Convention on important phases of the suffrage sections: **Thomas L. Bulger of Tallapoosa County** declared with humor, "What we would like to do in this country, more than any other two things, would be to disfranchise the darkies and educate white children." **Mike Sollie of Dale spoke against the educational and property qualifications**, declaring them a radical departure from our time-honored customs. He plead for the "young men who had been kept between the plow handles until twenty-one years old and were then turned loose with five or ten dollars, without education, without property." **William H. Samford of Pike County urged that the poll tax be left to the Legislature and not written into the Constitution.**

Ex-Governor Thomas W. Jones, of Montgomery, Frank S. White, of Birmingham, S. H. Dent, of Eufaula, and George H. Harris of Opelika, opposed the so-called "grandfather clause", recognizing that it along with the poll tax would result in the disfranchisement of many white people.

William C. Fitts of Tuscaloosa plead against the poll tax. "Little as it seems to men who occupy seats upon this floor, it is an important factor to men of little material substance, and of considerable character in various portions of the hill country of this state.... **It is useless to say patriotism will prompt payment and inspire an approbation of this article in the**

WAS ALABAMA'S CONSTITUTION OF 1901 ACTUALLY ADOPTED?

VOTE ON THE CONSTITUTION OF 1901, November 11, 1901



(From Alabama Statistical Register, 1903, pp, 141-2)

For Constitution 108,613 **Against** 81,734 x

Majority for Constitution 26,879

Counties for Constitution √ 34

Counties Against Constitution x 33

Potential White Voters, 1900—Number in seript

( ) Seventeen counties casting more votes than total white voting population

Note: Dallas, Hale, and Wilcox cast a total vote of 17,983, or 12,360 more than the total white male population 21 years of age or over.

Constitution. Patriotism is good enough to be talked about, but when patriotism is connected with the payment of a tax, the payment of the tax comes nearest home, and patriotism takes a back seat". J. B. Duke of Chambers County endorsed this statement, declaring, "A great many people all over the white counties do not have $1.50 at the end of the year, but come out in debt. There are white men in this country who, rather than pay $1.50 would surrender their vote. You may say as much as you please that they are not patriotic, but I say they are."

N. B. Spears, of St. Clair County, "stood on the rock of universal suffrage, where the fathers of 1776 had stood. I stand", he declared, "where Jefferson stood when he declared in the face of kings and tyrants that all men were created equal and endowed with certain inalienable rights, that taxation without representation is oppression, that all governments are founded on the consent of the governed".

More Whites Than Negroes Barred.—Governor William J. Samford had agreed to include in his platform a plank calling for a constitutional convention only when assured that no white man would be barred from voting. **The Conference found however in studying the map shown on page 8 that in 1941-42 some 600,000 white persons were disfranchised as against 520,000 Negroes.** Of 440,291 persons registered in that year, only 176,474 paid poll taxes. In most counties more whites are disfranchised than are registered. In Jefferson only 65,000 of a potential white voting population of 175,584 are registered. In Madison County, only one third of potential white voters are listed on registration records.

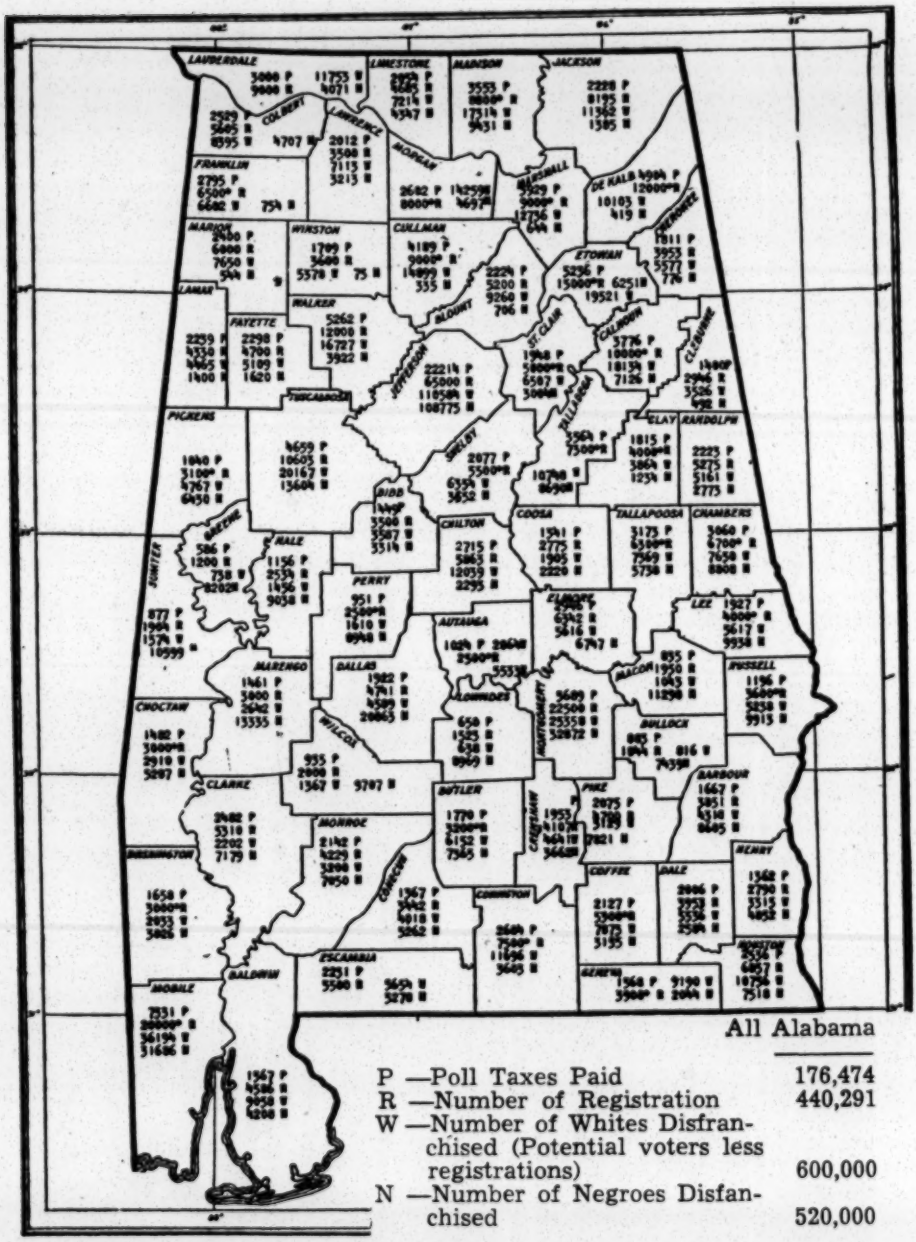
Did the Constitution Pass in 1901?—A study of the map on the opposite page almost convinced the Conference that the 1901 Conference was not legally adopted. The vote for the Constitution was 108,613, the vote against, 81,734. The majority for the Constitution was 26,879. Thirty-four counties gave majorities for the Constitution, thirty-three counties (including Houston), against. It is significant that in at least seventeen counties, more votes were cast than the total number of white males twenty-one years of age or over. In the Counties of Dallas, Hale, and Wilcox, 17,983 votes were cast, or 12,360 more than the total white male voting population of 5,623. The surplus vote in these three counties represent nearly half of the majority. The questions raised by members of the Conference were: With such figures from only three counties, is it not possible that the majority votes were votes of Negroes who were to be deprived of their franchise by the very Constitution they were voting in? Or did they represent irregularity in voting? Or in counting? Whatever the answer, to members of the Conference it looked bad, wrong, immoral, and they thought the general public would be interested in speculating on this situation.

Alabama Governors on Poll Tax Reform. — Ev-Governor Bibb Graves. as a candidate for re-election, declared February 1, 1934, in his platform.

> "I favor amending the Constitution and law so as to reduce the cumulative poll tax requirement to three years next preceding the election at which the ballot is offered. A three year requirement by antedating the last preceding general election will protect our suffrage and will prevent campaign slush funds from being poured in to control pending elections."

Frank M. Dixon, in his campaign platform, declared: "I advocate re-

DISFRANCHISEMENT IN ALABAMA



	All Alabama
P —Poll Taxes Paid	176,474
R —Number of Registration	440,291
W —Number of Whites Disfranchised (Potential voters less registrations)	600,000
N —Number of Negroes Disfanchised	520,000

POLL TAXES, REGISTRATIONS AND DISFRANCHISEMENT BY COUNTIES, 1941-42

R+W+N—Potential voters, Census of 1940. Based on figures obtained from State Comptroller's Office by Committee on Poll Tax Reform and from the 1940 Census, Population, Volume II, Part I, pages 236-239.

form of the cumulative poll tax law with minimum requirements of two years."

As this bulletin goes to press, **Governor Chauncey Sparks** has just declared in his message to the Legislature, May 1,

> In my judgment, the cumulative feature . . . is a deterrent to the exercise of the franchise by many of our best people. Many of our citizens neglect or forget to pay their poll tax. Several successive years of neglect or forgetfulness pile up a real barrier. This restraint upon the exercise of the ballot tends to reduce the number of voters and makes it easier for political wrongs to flourish.
>
> "The poll tax is not a qualification for voting, but rather a 'condition precedent' to use of the ballot. The procedure through which the ballot is kept pure is registration, not the payment of poll tax."

I. LOCAL GOVERNMENT AND DEMOCRACY

Panel: C. B. Smith, State Teachers College Troy, Chairman; W. C. Beebe, State Representative, Bay Minette; Joseph M. Ray, Bureau of Public Administration, University.

LOCAL GOVERNMENT: FINANCIAL AND GOVERNMENTAL STRUCTURE

W. C. Beebe, Bay Minette

County and Municipal Revenue Inadequate.—One of the major problems confronting local governments in Alabama is finance.

Counties have no taxing power except that given by the Constitution or by legislative authorization. Under the Constitution a county may levy a five mill tax for general purposes and a two and one-half mill tax for roads and public buildings. **These rates were fixed by the Constitution in 1901 before the major services were contemplated and were probably ample under the then governmental functions and services. Since that time not only has the cost of the maintenance of the offices and courts increased but numerous services have been added, the major ones of which are public health, agricultural extension work, and public welfare. These services cost from thirty to forty thousand dollars in the smaller counties.** If Baldwin is above the average county in valuation, it is only slightly above the average in population and is below the average in the number on public relief rolls. Hence, we can assume the costs of these services for Baldwin to be the average in the State.

It will not be denied that these services are proper if not essential. They were placed on the counties by legislative enactment, since the tax rate was fixed in 1901. An eight million dollar assessed valuation at five mills is required to provide these services alone. More than two-thirds of the counties have a valuation of less than eight million dollars. The same county, Baldwin, for 1944, spent, and properly spent, $44,000 for general governmental purposes. **It is generally conceded that $40,000 for general governmental purposes, exclusive of public services, is the minimum requirement for an effective county operation. Actually then a county cannot properly function and meet the required public services on less than $80,000 a year. Only a few counties in the state have an income of that amount.**

This does not mean that even those counties having this income could without additional funds meet their needs, for in these counties the cost of government is materially more. Their population is greater and hence the cost of public service is greater. **It does mean that the rate and subjects of taxation allocated to the counties in 1901 is insufficient to meet the increased burdens placed on them.** The state allotted to them one-third of the business license taxes. This did not materially help. In many counties the tax is negligible, totaling less than $400,000 to them all, with nearly half of that going to the three large counties. The rural counties, and only a few fell without this classification, have no taxable wealth other than tangible properties. **There is therefore no way of permitting them to help themselves to a degree sufficient to meet the demands on them. The counties of necessity have turned to the State for a share of the State's revenues. The 1935 Legislature to meet the situation allotted to them a portion of the**

sales tax. In 1943 they were given additional moneys from the sales tax and from the liquor profits. The demands on the counties is still growing. Hence they are again appealing to the Legislature for relief.

The municipalities were in like manner set up on a tax structure in 1901 on a basis of their then functions and services. They too were given a five mill tax and limited business licenses. Their needs have grown. They are chargeable with public health and public welfare. Though not chargeable with agricultural extension, other demands are made on them, such as garbage disposal, public parks, fire protection and now airports. **While in theory they have a more flexible taxing power, actually the State tax structure is such as to restrict them as effectively as the counties. When the Legislature demanded participation in services or new services of them they have of necessity turned to the Legislature for funds.** Their participation in state revenues has been confined to a portion of liquor profits and a small sum from gasoline taxes. They, too, are before the Legislature for relief.

With each new concession of state funds to the local governments there necessarily goes increased state control over them. Local autonomy is nearing a state of extinction. Under our present plan of support of the public services, the State says to the local unit "You must bear a portion of the cost of these services." The local unit says "I'd gladly do this but I haven't the money". The State replies "That's all right. Here is the money, put it up". **Local participation is a fiction. The whole scheme is farcical and destructive of the foundations of democracy.** It destroys local consciousness, governmental and individual, of responsibility for local services. Without this sense of responsibility for government, organized society will crumble.

I can find no remedy except to abandon this farce. Allocate to the State those functions and services which are primarily state-wide and to the local units those which are purely local. Make it possible for each to meet these needs and hold each responsible for them.

Governmental Structure Antiquated.—The counties face another problem. As they are trying to operate on a 1901 financial structure, so are they also trying to operate on a 1901 governmental structure.

In 1901 the only function of a county was to maintain order, the only service was to provide wagon roads. Road work consisted of cutting away trees and shrubbery, filling holes and finding approaches to creek fords. The work was done by those living along the road. For ten days each year able bodied men were summoned out to work their road and to bring a pick, shovel or a hoe. It was a gala day in the community, bordering on a picnic. Little work was done, little was required. Under the then conditions a local man was needed to determine when this most fitted crop conditions and a suitable place to congregate. Hence, the county was partitioned into districts, a commissioner was elected for each district. There was no need for other governmental service, no need for county wide planning. Hence there was none then.

Road conditions have changed with the advent of the automobile, road needs expanded to county wide, state wide, nation wide. A different type of road is required. Planning construction and maintenance have become a technical problem. Yet in many counties we cling to the old governmental machinery, four commissioners from four districts, four pots of

road money, without unity of planning or technical efficiency in construction and maintenance.

This antiquated machinery likewise precludes unity in planning other services or to be more exact, precludes the county's undertaking other services and functions. A list of such other services now contemplated for the counties but now dormant would be a yard long. There are numerous unincorporated communities without lights, water and sewerage. **There are numerous incorporated communities in Alabama too small in population and taxable wealth to support separate corporate functions. Their incorporation, with the incident burdens, are a direct result of the county's failure to function. These services can be furnished by the county with little or no charge on county funds. There are other dormant county services.**

The remedy to this condition is a smaller compact unit of government, county-wide in service and responsibility in planning, with the county as the unit, and entrusting technical work to technicians.

The defects pointed out will be remedied gradually. The remedies proposed will not be accepted overnight. The public must first see the defect, then desire the remedy. The people are entitled to, they have always got and always will get just that government, from the standpoints of efficiency, economy, and integrity, that they can conceive, ordain and maintain, no better and no worse.

Local officials alone are not to be charged with the conditions pointed out. They are intelligent, honest and diligent. They want to do a good job for their people. When you weigh the resources at their disposal and the handicaps under which they labor with the results they give, I believe you will concede a good job is being done.

NEW LIFE FOR LOCAL GOVERNMENT

Joseph M. Ray, University

Most of the discussion thus far has been devoted strictly to the subject of local finance. I would agree that finance is a basic consideration in all discussions on government. Finance, to be sure, is the **sine qua non.** There are many other problems in connection with local government, however, which deserve equal attention from us.

First, let me say a few things about local finance. **It would seem to me that we cannot meet the evils outlined by Mr. Beebe which are engendered by local need for funds and by the necessity of squeezing those local funds from the State Treasury without giving a fuller measure of autonomy to the localities in the tax field.** If, as Mr. Beebe says, most of the poorer counties have no possible source of revenue save the property tax, then I see only the State as the source of local funds or, in line with Mr. Browder's suggestion, a deliberately designed program to implement state policy by some means other than through the counties as presently constituted. I quite agree that a county like Washington County has a pressing tax problem at present and that it has little or no source of revenue other than the property tax. **The suggestion that, from the point of view of state politics, it would be more wholesome for the State to take over the entire task of financing programs such as health and welfare does not take fully into account the so pressing need for measures to invigorate and stimulate local government.**

This brings me to my second point, which, although it involves finance, is **a much broader consideration: the need to infuse new life into our local democracy.** This concept has been phrased frequently and in many ways. I feel, nevertheless, that it is urgently necessary for our local governments to be active and effective democratic units. In many respects the performance of our local governments is the measure of the effectiveness of our democratic procedures. If local government is not efficient or is corrupted, it is too often the case that this distortion of the local will is projected on to the state level and the national level.

The burden is upon us, therefore, to look to our local governments particularly in matters of organization and personnel to the end that our local democracy may be a more accurate reflection of the popular will and may bring about a more adequate effectuation of declared policy. And, finally, I am fearful that a forthright state policy of footing the whole bill in programs such as health and welfare will result in the further impairment of the initiative and vigor of local government. I would prefer to see instituted a more complete system of shared taxes, whereby the locality comes into more adequate revenues with more autonomy and discretion in their expenditures.

Following his discussion, Mr. Beebe called to the attention of the Conference a number of recommendations of the Interim Committee of the Legislature on State, County and Municipal Government, in particular the following:

1. A proposal for a constitutional amendment providing that in the future no general obligation bonds could be issued by counties or cities unless the people, at the time of voting on the bonds, concurrently voted an authority for levying from year to year the amount of taxes necessary to amortize fully the bonds voted upon. This would serve the double purpose of reducing the amount of bonds voted to amounts actually needed and would markedly reduce the interest rates.

2. The creation of an Alabama Finance Corporation through which the State could protect its political subdivision, by the purchase of their bonds, against high rates of interest and other excessive costs to the taxpayers.

3. The abolishment of the system under which county commissioners are elected by and from districts, a system the result of which is that each commissioner tends to become an overlord for his district, and which prevents the employment of competent engineering service.

4. The creation of a commission form of government, the commission to consist of three members whose compensation are salaries based upon the county's financial level. Authority under the recommended plan would be vested in the commission as a whole, and each commissioner would be charged with the duty of administering commission policy in a functional field.

5. Amendment of the present city manager law to remove the population restriction now embodied therein so that any city or town, regardless of population, may avail itself of the benefits of this advance toward efficient and economical municipal operation.

He stressed the following recommendation of the Committee:

6. "The state, the counties, and the municipalities are participating in almost every source of revenue. We have pointed out that the present tax

structure has frozen local revenues, retarded local effort, rewarded local indolence, and increased local pressure for participation in state funds. We recommend further study of this problem. We believe that a separation proper level of government and to strengthen all levels of government. Centralization of government, if it be an evil, and we believe it is, has its roots in the failure of the local government to meet its responsibilities. The criticism applies to state in its relationship to the national government as well as to local governments in their relationship to the state. **The strength of all organized society rests in the smallest unit of government, in the local unit's consciousness of its responsibility for local needs and in its willingness and ability to meet these needs. Except as these needs are recognized and met in smaller units, the individual citizen has no personal, individual sense of responsibility for government. The personal, individual sense of responsibility on the part of the citizenry is the foundation of democracy.** It is our firm conviction that the trek of each unit of government to the unit above for maintenance of its services is in direct conflict with our theory of government and leads to disruption and ultimately to government solely from above. We, therefore, recommend that to each level of government there be allotted particular functions and services and that each level be charged with responsibility for these functions and services and rendered capable of providing them."

7. Expansion of the functions of the division of local finance to offer other than financial aid to local government.

General Discussion.—Although Mr. Beebe and Mr. Ray differed on the matter of division of services to state and local government, they were in agreement on the fact that as services are increased, revenue to finance them must be provided. Discussion by the Conference was directed chiefly to the matter of finding more adequate revenue for local services. The answer lay primarily, it was agreed, in the answer to the big question: **How may income from the ad valorem tax be improved?**

To Chairman Smith's question as to how local tax limitations might be unfrozen, Mr. Beebe called attention to one solution which was to be proposed at the coming session of the Legislature. All income from the property tax is now spent locally with the exception of income from the State's six and one-half mills. The proposal is to permit all income from this portion in excess of the amount raised in a given year, say 1944, to go back to the county for expenditure. Mr. Beebe believes such a provision will do more than anything else to reverse the tendency of the counties to lower property assessments.

To the suggestion that what is needed is greater authority in the state to require the equalization of property assessments, Mr. Dowling pointed out that the law provides adequate authority at present. What is lacking, he declared, is evidence in the office of the State Revenue Department sufficient to warrant the requesting of a county to raise assessments. He stated that his office now has four men devoting full time to the advising of counties in this field. A bill to be introduced into the Legislature shortly is designed to provide the necessary information for requesting equalization. This bill, Mr. Dowling said, will provide an intelligent in-

ventory of property within a county—a complete appraisal by competent appraisers. He stated that the average assessment in the state was between 40 and 45 per cent instead of the 60 per cent required by the Constitution. Spot checking, he said, showed that little properties generally were assessed higher than large properties—often between 60 and 120 per cent, as compared with around 30 per cent for large plantations. What is needed, he insisted, is accurate evidence, which will be provided by the system of appraising to be recommended.

II. DEMOCRACY AND REPRESENTATION

Panel: I. J. Browder, State Personnel Director, Montgomery, Chairman; H. G. Dowling, Commissioner of Revenue, Montgomery; Joseph M. Ray, Bureau of Public Administration, University; Harry M. Ayers, Editor, Anniston Star, Anniston; Mrs. Harvey M. Emerson, Birmingham; Mrs. L. S. Evins, Womans Society of Christian Service, North Alabama Methodist Conference, Birmingham; Charles N. Feidelson, Columnist, Birmingham News, Birmingham; Carey E. Haigler, Regional Director, Congress of Industrial Organizations, Birmingham.

The Chairman, Mr. Browder, introduced the general subject briefly, making brief remarks regarding the areas to be discussed, and stressing the importance of such a discussion at this time. Mr. Ayers, who could not be present, submitted a statement which was read to the Conference.

THE STORY OF THE BALLOT

H. G. Dowling, Montgomery

Note: Dr Dowling's paper as presented at the Conference was a comprehensive account of the ballot from Ancient Times to the present day. On account of space limitations, only those parts of his paper are presented here which have a direct bearing upon balloting in the United States. Interesting topics which have been omitted include balloting in Ancient Greece and Rome, the feudal period and the development of the estates and guilds, the influence of the Church on voting procedures, voting practices in England, France, Germany, Italy, and Russia.

The ballot has been indeed for centuries a weapon of great power and effect. Any study of its history and of men's best thinking and dangerous striving towards its proper employment will support this statement. Furthermore, a look at the record of this tool of democracy will leave an honest thinker amazed at the defects surviving and at the public apathy and ignorance which so long have prevented the refurbishing, sharpening, and wise usage of such an instrument.

Ancient Balloting.—Make a trip with me for a few moments back to the spot where the ballot first clearly emerged, to the meeting-place of the Demos, the citizenry, of a city of ancient Greece. The Greeks of Athens, the citizens of the family or tribe, are met to fix the government of their city. Citizenship and voting are inseparable. Voting is not a right or a privilege. It is an integral part of being an Athenian. It was acquired by blood, by birth, or by special grant of the government. "Freedom of the city" means citizenship and therefore voting rights. Foreign population, no matter what the length of residence or the wealth or power has nothing to do with government unless citizenship has been granted by decree. So, together as one body and in one place, the people gathered to fix their governmental events.

Tacitus, the Roman historian, tells about voting in the tribes of Germany at about 69 A.D. The chiefs, who had won their places usually by military powess, would call together the members of a tribe to pass upon pending propositions—"Shall we move the village to a new site? Shall we cross the Rhine and plunder the fields of the Celts? Shall such and such a

leader succeed one recently lost?" The German citizens met in full armor, weapons in hand, for the election. As a proposition was submitted by the chief, the people expressed approval by cheers, loud huzzas. If the proposal was not favored, the voters created a great clanging of metal by clashing their weapons together. Their vote became the action of the tribe.

Across the North Sea in Angle-land, England, our rude forefathers voted very much in the fashion of their German kinsmen. They met to hear the chief's suggestions. (Julius Caesar says the chief was sometimes a woman!) If they approved, the voters showed their attitude by cheers. If they voted in the negative, this was shown by silence.

It is important to note that in all this early stage of voting, citizenship and suffrage were one and inseparable for adult males; and there was probably some voting by women. However, the suffrage was limited to those inhabitants who by blood belonged to the tribe and to those few who for some special reason had been granted the status of "freemen". The voting list did not nearly include all inhabitants.

A General Movement.—Through the Medieval Age and on to our times, the movement for wider suffrage and more direct participation in government has been noticeable in nearly all nations. Japan has been through the same process as European countries and has met her problems largely by imitation of Germany. Italy was making progress against a lethargy created partly by her church and against terrible corruption in politics, until Mussolini seized power just after World War One. Austria, Hungary, Roumania, and Turkey have had long and sometimes bloody fights against the same nobility and the same landed powers that held the movement in check in England.

A Basis for Present Understanding.—All this factual material about the development of the franchise in several nations is a necessary basis for any understanding of this weapon which men have tried to substitute for pride, force, and fraud. **The fight has been bitter, continuous, and persistent through defeat and in spite of bloody penalty. The true value of the ballot in Alabama can be measured only with such facts in mind.**

Carriers of the Torch.—Beginning in the earliest years of the Dark age, students and thinkers have lighted the torch that started fires and explosions in this campaign towards freedom. Thomas Aquinas, Marsiglio of Padua, William of Ockham, Nicholas of Cuco, Rousseau in France, the philosopher Locke in 1690, the Elder Pitt, Charles James Fox in 1781, the Younger Pitt in specially clear fashion—**these and many other liberal leaders in all civilized nations have, in dark and dangerous times, lifted their voices in defense of what they called the "Rights of Man." Basic among these rights as stated by all such thinkers has been the right of the people to control their government. The device for such control has been and is a clear, just, and simple process of balloting.**

The belief of these thinkers was throughout the Medieval Age stated in about these words, "Voluntary delegation of power by the nation is the ruler's only claim to the obedience of his subjects." This truth, preached by the small student and thinking group for two thousand years, is not yet clear to the citizens of many nations. **The same thought was re-echoed in our Declaration of Independence, "All governments derive their just powers from the consent of the governed." This is yet to be fully realized in America. Such truths, preached by the students, have been the yeast**

Progressive America.—Progress has been disappointing at times but working in an excessively inert political mass for centuries.
always the movement toward reasonable and wide franchise has advanced. England has cleaned up her worst political faults and has a democratic government readily responsive to the public will. Her colonies have become much more liberal than the mother country. Australia led the way in an effective secret ballot. New Zealand gives a special 28 per cent weighting to rural ballots, recognizing the essentially rural nature of her economy, and reserves four seats in her legislative assembly for the natives of the island, the aborigines. The dominions have good voting provisions for sick or absentee citizens. The government pays all election costs. In Australia

and the South African Union there is a serious race problem, the colored population being strictly disfranchised.

In the United States, many of the voting customs, qualifications, and sins have been inherited from European countries. Tax requirements, property qualifications, registration complexities, and election corruptions have descended to the present day. However, most of these conditions exist only in mild form, when comparison is made with the sources back in feudal days; and a reading of our history will make indisputable the steady progress towards a liberal franchise.

Since that first American election of delegates to the Virginia Assembly in 1619, the march towards wider and wiser franchise has been steady. Nine of the colonial constitutions framed between 1776 and 1780 called for the secret ballot. Oral voting, in spite of powerful support, has been discarded. No longer does Kentucky line up voters on opposite sides of a road and have a count by the Sheriff to decide the ballot, though this continued until 1890. Arkansas got rid of the oral ballot in 1846.

No longer is church membership required; no longer are Jews and Catholics disbarred; no longer are colored beans or grains of corn acceptable as ballots; most of the tax-paying qualifications are gone; women can vote along with men in nearly all elections; little of property-holding superiority survives; and some states keep the voters in immediate control of affairs by referendum, recall, and initiative.

America may need to take one lesson from the Belgians in providing for proportional representation in the legislative and electoral bodies, so that a respectable minority may be guaranteed some represenation along with the victorious majority. There is a great deal that we might learn from the little republic of Switzerland, which keeps control so promptly and exactly in the hands of the voters, and which has so nearly abolished campaign insanity and pressure-group government.

Switzerland.—Someone has said that Switzerland is so far behind the rest of the world politically that she is away out in front. **Through modern systems of political machinery, the Swiss have placed the power back where it was in the cities of Ancient Greece, back in the hands of the Demos, the citizenry.** Education of the best, compulsory and free for all as a precondition, nearly universal franchise, honest elections, referendum, recall, initiative, little abstention from voting, clearcut election statements and publicity, and little election excitement, have held the government under the will of trained, hard-hearded voters. The Swiss have recaptured in a modern style the core of original and almost pure democracy.

Today's Views.—What is the best thought of America today about the ballot, about this business of government control through citizen-voting? A careful study showing that our political thinkers and writers, our courts, and a large majority of our leaders do not agree with **three** of the general theories that past history has tested or has at times considered seriously. The first theory is the ancient one; namely, that citizenship and voting are inseparable. The second is that of Rousseau and other liberals; namely, that voting is a natural right like "life, liberty, and the pursuit of happiness." Our thinkers of today reject both of these. In general they say that, if these things be true, not even an age limit or any intelligence qualification could be possible. Babies could vote, for they are citizens and possessors of all natural rights. The third theory rejected is that voting is in some way, through assessment or tax payment, connected with property holdings. This last-named has fallen into utter disrepute.

Our Corpus Juris states, "The possession of political rights is not essential to citizenship—minors may be citizens; citizen is not synonymous with elector or voter."

The U. S. Supreme Court says, "That fact that one is a subject or citizen determines nothing as to his rights as such. They vary in different localities ard according to circumstances. Citizenship has no necessary connection with the franchise of voting, eligibility to office, or indeed with any other rights, civil or political."

The Americana Encyclopedia, Volume 10, P. 71, makes this assertion,

"The elective franchise is a privilege rather than a natural right; its extension to any excluded class is a question of political expediency."

The Americana also states that, subject to the provisions of the 15th Amendment, "Each state possesses the supreme and exclusive power to regulate the right of suffrage and to define the qualifications of its voters, however unwise, unjust, or even tyrannical its regulations may be or seem to be in this regard."

The courts have ruled. "The rights of office and suffrage are political purely, and are denied by some or all the states to part of their population, who are still citizens."

Some political economists of our day think of voting rights not as a natural right, not as a citizenship element and not as a privilege; but rather they hold the franchise to be an "office", a position in and a part of the political government. They think of the right to vote as an office granted after compliance with certain conditions, proof of fixed qualifications, and then after approval by some agency acting under statute. Many of these thinkers doubt that a long list of voters or a multitude of voting occasions, taken as main dependencies, will guarantee good government. Opposing these majority opinions and general trends, there are still a certain number of citizens who hold to the extreme liberal view of Rousseau and others; namely, that voting is a natural right and that qualifications are iniquitous.

Note: For further current views, see below under "Arguments of Those Favoring Federal Repeal", page 38, and Personal and Editorial Comment, page 48.

Present-Day Qualifications.—A glance at present-day voting qualifications and requirements will reveal trends in American practice. Here they are for the year 1940 or later in the United States.

The minimum voting age is twenty-one in all states except Georgia, which recently reduced it to eighteen. United States citizenship is required in all. **Residence in the state** is required in all, the periods required being various; 6 months in eleven states, one year in thirty-two, **two years in five. Alabama is among these. Residence in the county** is a necessity in 36 states, the required period being 30 days in six states, 40 days in one, 60 days in five, 90 days in nine, 4 months in two, 5 months in one, 6 months in nine, **and one year in three (Alabama here). Residence in a voting district** is not required in seven states, 10 days residence is demanded in six, 20 days in two, 30 days in thirteen, 60 days in four, 3 months in four, including Alabama, 6 months in six, and one year in one, Mississippi, except for preachers.

Twelve states have some property test as a requirement; nineteen have some form of literacy test; six require payment of a poll tax; twenty-one have a permanent, state-wide registration of voters; seventeen have local registration only; nine have no law on registration; registration is periodic in seven states; and registration is forbidden in one state (Arkansas).

Disqualification.—Causes for disqualification vary widely. Indians not taxed are disqualified in six states; insane persons in thirty-eight; idiots in thirty-seven; incompetents in eight; immoral persons in five; illiterates in nineteen; paupers in twelve; inmates of institutions in ten. Soldiers and sailors on duty cannot gain residence in most states. Several forms of criminal conducts will disqualify: treason in sixteen states; felony in forty; bigamy in five (Alabama among these); duelling in eight; defalcation in seven; bribery in election matters in thirty-four (Alabama here); bribery of the legislature in four; perjury in seven (Alabama here); larceny in eight (Alabama here); forgery in five (Alabama not here); arson in four (Alabama here); embezzlement in six (Alabama here); and miscellaneous other offenses disqualify in nineteen. Alabama disqualifies for rape, adultery or moral turpitude of several types. With full enforcement, Alabama's voting list would be quite select.

The literacy test is most clearly applied in Washington, Oregon, California, Wyoming, Oklahoma, Louisiana, New York, Maine, New Hamp-

shire, Massachusetts, Connecticutt, North Carolina, and Delaware. **Two states (Alabama and South Carolina) apply all three of the main restrictions—poll tax, literacy, and property. Eighteen states have none of these ancient requirements:** Idaho, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Illinois, Indiana, Kentucky, Ohio, West Virginia, Maryland, Pennsylvania, and New Jersey.

Absentee Votes.—All states except five provide some form of absentee voting. In South Carolina, the qualified elector may vote in absentia only in primary elections and only when sick. In New Hampshire, this privilege is available only for voting on presidental electors. In some states the elector must be at a minimum distance from his regular balloting place—the deadline being fifteen miles in Oregon, twenty in Utah, forty in New Mexico, and fifty in Ohio. Most states require that he be absent from his county, city, or precinct. Voting by proxy is allowed in Oklahoma. Physical inability to go to the polls is sufficient grounds for absentee balloting in twenty-four states. In nine states, prospective absentees may appear in person and vote before the regular time.

Conclusions.—This digest on voting is based mainly on a careful study of a history of the ballot published in two volumes in 1918 by Dr. Charles Seymour and Dr. Donald Paige Frary of Yale; it has been checked and supplemented by reference to standard text books and encyclopedias; and finally has been brought down to date by references to bulletins of state universities, of the Council of State Governments, of the Bureau of Municipal Research, and of the Civic Research Institute.

A few general conclusions seem possible:

1. For more than five hundred years, there has been in all civilized nations a growing demand for a liberal franchise.

2. The property test and any tax qualification for voting rights are increasingly unpopular; and, even where these are legally imposed, enforcement is strict in only a few states.

3. Voting is not recognized by political economists as a natural right or as a necessary adjunct of citizenship. The economists' argument on this point appears unanswerable.

4. Secret balloting is a necessity for democracy and should be hindered by no device.

5. The absentee ballot is generally approved and works successfully in most states.

6. Abstention from voting is a serious problem. Penalties are applied in some states.

7. Qualifications of many types are set by various states; and disqualifications are also numerous and varied. Sovereign states differ mainly as to the tests applied and not so much as to their authority to require specific qualifications.

8. The qualification which appears reasonable and inescapable is an educational test. Voters should be proved competent. The New York law which prescribes a test on "ability to read and write English," under a testing process handled by the state school system has proved satisfactory and has been upheld in the courts. A knowledge of history and civics might well be added to the English requirement.

9. Any kind of test has elements of danger. It must be handled by non-political officers and must be reasonable and fair. History proves the danger of qualifications handled by government officials directly interested in elections. Registration should follow the test, should be simple and readily available.

10. Ballots should be simple and short. Referendums should be separated from party ballots. Fewer officials should be elected and more should be appointed by executive officers or boards. Only this can avoid confusion in the minds of the voters.

11. The effort to keep the ballot "clean" needs constant emphasis.

12. There is no truly democratic government until fair and reasonable

qualifications are used in an honest manner to select the competent electors and until the system applies alike to all citizens. The road to participation in government must be open just as the road "to the pursuit of happiness." Voting and happiness may not come to every citizen; but both should belong to those who qualify under an honest plan with no traps unfairly set.

13. Many past wars have resulted from a lack of popular control of government. George the Third, in bringing on the American Revolution, does not seem to have represented the best English thinking of his day or even the will of the commoners. Adolf Hitler and Benito Mussolini seized control in their countries with no free expression of popular choice through the ballot. The military clique of Japan directed their nation into war under a government that stifles the public will. For safty and reasonable peace, the officials in every nation must be actual representatives of the people.

14. Each and every war has been followed by a resurgent demand for wider suffrage and more complete popular control. The present world war, with hundreds of millions of people involved, will surely bring the greatest outcry and action for a wise and complete voting system that history has yet known. Every state should plan wisely to meet this need.

NOTE: For the historical background of the use of the poll tax as a requirement for voting, see article by H. Clarence Nixon entitled "Influences of the Past", page 36.

REGISTRATION AND VOTING PROCEDURE INCLUDING SURVEY OF THE BALLOT AND ABSENTEE VOTING

Joseph M. Ray, University

There has been much agitation in recent months, particularly since the senatorial campaign between Lister Hill and Jim Simpson, for reforms of various kinds in registration and voting procedure in Alabama. These problems have been aggravated by the nationwide concern over the existence of the poll tax in this and other states and by the absence from their home communities of many persons in the armed services and in war work. Not a little of the dissatisfaction with voting procedures (and this is especially true with those who currently favor the abolition of absentee voting) has arisen from the dissatisfaction of those persons who are opposed to the liberalism which has characterized the National Administration and of those who supported the unsuccessful campaign for Senator Simpson. Regardless of motives, however, the fact remains that a great deal of concern is currently being expressed regarding the inadequacies of Alabama's present registration and voting procedures.

It is my view that nearly all of the points at which criticism has been directed led, in the final analysis, to the inadequacies of our system of registration. It shall be my purpose, therefore, to take up in order the subjects of the secret ballot, voting procedure, the absentee ballot, poll tax payment, and registration itself to show that most of our evils can be cured through the establishment and careful financing of a more modern system of registration.

Secret Ballot.—We all know, of course, that Alabama does not have a secret ballot. The voter in Alabama casts a traceable ballot. The ballot is numbered and his name is associated on the list with that number. Most of the people connected with county politics will insist that election con-

tests necessarily require a device whereby the individual ballot can be traced to the person who cast it.

It might be suggested at the outset that in the places where voting machines are used we have already surrendered whatever advantage accrues to the traceable ballot. In those counties and precincts in which the printed ballot is used, the traceable ballot is still in use.

The crux of the issue, as was indicated above, is a necessity which may later arise of withdrawing and discarding a fraudulent ballot; the responsibility, therefore, is upon us to preclude the possibility of the casting of a vote by a person not duty qualified. If a person is duly qualified to vote, and that fact can be authoritatively established before he is handed a ballot, the urgency of the necessity of tracing his individual ballot is obviated. Here then, we reach the conclusion that effective registration procedure is the key to our dilemma.

Voting Procedure.—Voting procedure in general is much the same in all jurisdictions. **The question of identifying the voter before he is given the ballot is the heart of the process. A system of reference cards bearing the signature of the voter might be maintained in the voting place. Thus the individual voter could be required to identify himself by means of his signature before the ballot is issued.** Here again, the resolution of our dilemma entails the establishment of a more effective system of registration.

The Absentee Ballot.—As was suggested at the outset, much of the criticism of absentee balloting in Alabama has derived from the disappointed supporters of Senator Simpson and from anti-New Dealers in general. They would resolve the issue by the complete abolition of absentee voting except in the cases of men and women in the armed forces. There seems little doubt that many counties in the state have seen gross violations of the absentee ballot regulations. **To abolish absentee voting, however, would clearly illustrate the case of a remedy with consequences more rigorous than the disease which it is designed to cure.**

Without taking sides, either for or against the people who are dissatisfied with the results of the last senatorial race, **we must out of necessity take issue with their program to abolish absentee voting. Not only do men and women in the armed services need to vote; other persons, such as traveling salesmen, railroad men, persons in the government service who are away from their homes in Washington and elsewhere, and students in college, should have the suffrage in Alabama.** Not the least consideration in this connection is that Alabama has too few competent voters at best, and the abolition of absentee voting would disfranchise some of the best qualified voters in our state.

The issue here, as in the two points previously discussed, leads us to the conclusion that **most of the abuses in the casting of absentee ballots could be resolved if a fool-proof, dependable system of registration could be established. One reform could be the requirement that the voter present himself at the Probate Judge's Office some time within a thirty day period prior to the election. He would tender his signature in exchange for a ballot, which he would vote and have notarized on the spot. If those who would abolish the system entirely were still concerned lest the ballots themselves be tampered with prior to the official tabulation, the law could require that all absentee ballots be mailed immediately after they were**

cast to the Office of the Secretary of State. The Secretary of State could then on election day tabulate the votes for each county and communicate the absentee vote tabulation to the election officials of each county.

The question of the identity of any person seeking to cast an absentee ballot appears to be the crux of the problem. This brings us again to the issue of an adequate system of registration.

Poll Tax Payment.—The payment of poll tax, as we all know, is a prerequisite for the placing of the name of an individual on the voter's list. We are not here concerned with the efficacy of the poll tax as such. In its administration, however, the process of including on the voter's list only the names of those persons who have paid their poll taxes is fairly simple. **Irregularities can occur only in the case of war veterans and persons over forty-five, who are exempted from poll tax payment. The opportunity for irregular and illegal practice, both in connection with absentee and regular ballot, involves in the main these exempted persons. Here again, we come to the need of a system of registration that will be both accurate and dependable, a system wherein the list is kept permanently up to date.**

Registration.—The weaknesses of our present system of registration would appear to me to derive in no sense from maladministration or bad faith on the part of boards of registration. The fact is, rather, that **part-time boards have performed in spasmodic fashion a function that should be exercised continuously by administrative officials fully equipped to discharge the job at hand.** We in Alabama are too prone to resign complex technical jobs to part-time officials whose only qualification is that they know their way around in county politics. If the heart of our problem is registration, then we should have a well-devised system of registration.

Part of this issue, if not the very heart of it, is the matter of finance. No function of government can be performed adequately unless sufficient funds are made available for the purpose.

Plan Needed in Alabama.—We may conclude, therefore, that what Alabama needs at the very core of the whole electoral process is, first, a system of registration that can accurately determine before the time for balloting the names of persons who are qualified to vote, and second, a device for identifying the individual voter at the time of voting.

The first consideration entails a reform that has been instituted in many parts of the country, namely, a system of permanent registration. Periodical purgings of the voter's list are too slip-shod. We need regularly constituted registration officials working constantly at their job, studying death notices and newspaper clippings, using the telephone, and canvassing the voters to keep up with the population and to maintain the voter's list. The second consideration would involve a task for the individual voter, namely, the recording of his signature. Then when he appears in the Probate Judge's Office for his absentee ballot or at the voting place for his regular ballot he could be identified, if not otherwise, by his signature. Poll tax payment, if the poll tax is continued, could be implemented in the preparation of the voting list for a given election.

A system of permanent registration would cost money, to be sure. The cost, however, would not be prohibitive. A study of this problem by Joseph P. Harris published in 1929 shows that the cost in various cities in the United States maintaining a system of permanent registration ranged

from $.13 to $.84 per registered voter. It is my considered opinion that the overall cost of our present system of registration is far in excess of the minimum figure listed here.

We may conclude, therefore, that the questions of the secret ballot, voting procedure in general, the absentee ballot, and the possible irregularities involving persons exempted from poll tax payment all narrow down basically to defects in registration and that the monkey is definitely on our backs in Alabama to make registration procedures more effective.

THE POLL TAX SHOULD BE REPEALED

Harry M. Ayers,* Anniston

As is probably known by most of you, the present franchise law of Alabama was framed at the Constitutional Convention of 1901 and adopted by the people in a special election called for the purpose of ratification or rejection during the same year. **There were two prime objectives motivating those who assumed the leadership in this Convention; the first being to disfranchise the Negro and the second being to enact such laws as would protect corporate property in the State. As is well known, Alabama and other states were very much under the control of the railroads at that time and those utilities were particularly well represented in the Convention.**

Unquestionably there was some justification for a restriction on voting, due to the fact that the ballot had been corrupted by the wholesale purchase of votes in several elections preceding the 1901 Convention. However, in their zeal to deprive Negroes, without respect to their character or intelligence, of their citizenship those in charge of the Convention also succeeded in depriving a large number of white persons at the same time, and that deprivation has grown progressively with the passing of the years.

In an effort to make a distinction between the whites and the Negroes, a so-called "grandfather clause" was made a part of the franchise law. This device was conceived for the purpose of circumventing the 15th Amendment. Exemption from property owning, tax paying or educational requirements in state suffrage laws was granted to those who had the right to vote on January 1, 1867, and to their lineal descendents. Since Negroes in the South could not vote at the time, they were excluded from the privilege granted to impoverished and illiterate whites. According to the Dictionary of American History, this clause was adopted in South Carolina in 1895; Louisiana, 1898; North Carolina, 1900; Alabama, 1901; Virgina, 1902; and Oklahoma, 1910; but the clause was declared unconstitutional by the Supreme Court as enforced in several of the States in 1915.

Recognizing that this provision, together with the $1.50 cumulative poll tax, would have the effect of disfrancising a large number of white persons, it was vigorously opposed at the time the Constitution was submitted in Alabama by persons like ex-Governors Johnston, Jones and Oates, former Senator Frank S. White, H. S. Dent, George P. Harrison and Senator John T. Morgan.

Requirements For Voting.—As is fairly well known, the $1.50 poll tax in Alabama extends from the age of 21 to 45 and shall be paid on October 1st of each year and become deliquent as of February 1st of the year following, the tax collector having no authority to collect poll taxes after the first day of February and before the first day of the next October.

* Mr. Ayers could not attend, but submitted this statement to be read.

Veterans of World War I and II and of the Spanish-American War have been exempted from payment of the tax, as are persons permanently disabled whose taxable property does not exceed $500.

In addition to payment of the poll tax, all voters in Alabama must have registered and once registered their registration is final except when moving from one state or county to another. In order to register, a person must have resided in this State two years, in the county one year and in the precinct three months. He must also be able to read and write any part of the Federal Constitution in the English language and must have been in some lawful employment during the greater part of the year previous to his registration, or he must own forty acres of land, or real estate or personal property valued at at least $300. In addition, any person who has been guilty of such offenses as burglary, perjury, false pretenses, wife beating, bigamy, adultery, vagrancy, receiving stolen property, and selling or offering his vote for sale would be debarred from voting in the State.

Booker T. Washington Petition.—When the Convention was in session, Booker T. Washington and a committee of other educated Negroes addressed a petition to the Convention in which they warned.

> "Already alarm is beginning to spread among them (the Negroes) and their fears are being worked on by emigration agents and exodus associations who are telling them that under the new Constitution the Negro's citizenship will be taken from him and his schools will soon be virtually blotted out . . . The Negro youth must have some incentive for right and useful living held out to him. Let the Negro youth feel that no matter how useful or intelligent he makes himself there is no hope of reward held out for him, and there is danger that he will become a beast reveling in crime, and a band of death about the neck of the State."

This prediction has been verified to a marked extent during the last fifty years. For instance, the Negro population of Detroit increased from around 40,000 in 1920 to 149,000 in 1940; of Cleveland, from 34,000 to 84,000; of New York, from 152,000 to 458,000; of St. Louis, from 69,000 to 108,000. Stated differently, by 1930 that Northern increase amounted to some 2.4 millions, a loss to the South that amounted to nearly two millions, which is more than 20 percent of the South's Negro population and more than five percent of its total population at that time. Nor does this take into consideration the children of many of those Negroes who would have remained in the South. Neither does it take into consideration the vast numbers of good Negroes who have emigrated from the South to congested war work centers during the last few years, the effect of which has been to bring about a revolutionary situation which respect to domestic servants in the South.

The effect of this tide of emigration away from the South has been felt particularly in the agricultural sections of the South, especially in those states where Cotton has been King. It has become especially important, too, in view of the fact that many of our best Negroes are among those who are moving to other sections of the country, while the ignorant and illiterate have remained to become a burden on society as predicted by Booker Washington, as a result of disease and criminalty, which usually stem from illiteracy.

But the effect of the restrictive election laws has been by no means confined to the Negroes. Especially during the dark days of the depression, many good citizens in the State had to make a decision as to whether they should spend $1.50, or $3.00 in the case of a man and wife, or more when the tax had accumulated or else buy food and clothing for the family. The decision was not hard to make, because as Alexander Hamilton warned many years ago, people in distressful circumstances, no matter how free they may be, will frequently barter their freedom for security. This decision, however, was not arrived at by any means by the more indigent classes of our population. Many women, for instance, if called upon to decide whether or not they would buy a new pair of hose or purchase the right to vote, decide in favor of the hose.

As a consequence, in the last presidential election less than twenty per cent of the adult persons in Alabama exercised their right of franchise. **Furthermore, with the diminishing of the ballot it has been found easier, year by year, for corporations or corrupt political machines to control elections, and at the same time it has been found exceedingly difficult to gain a favorable vote for many measures that would be in the interest of the less privileged classes of the Commonwealth.** Especially needed at this time is an amendment to the Constitution that would allow local units of government to vote upon themselves taxes for educational purposes. Dues to these and many other reasons, the more enlightened citizens of the State are coming to the conclusion that Alabama's voting laws must be changed and that a new Constitution should be submitted to the people as soon as the boys have returned from the wars. **If this is not done, it will become more difficult from year to year to keep the Federal Government from forcing such reforms upon the sovereign states.**

To abolish the poll tax does not imply by any means that the floodgates would be opened to every Tom, Dick and Harry who might want to vote in Alabama elections. Other states are protecting their ballot by a literacy test and in no state where the poll tax has been abolished has an election been taken over by Negroes, as is seemingly feared by some of the poll tax advocates in Alabama.

On the other hand, it is reliably stated wherever the poll tax has been abolished, state and local government has been improved. The tax has been repealed in North Carolina, Louisiana, Kentucky, Florida and Georgia and was maintained in Tennessee after it had been voted out by the Legislature only because of the death of one member of the Supreme Court. Recently in that state there has been a district court that ruled the tax unconstitutional and in South Carolina and Virginia definite steps have been taken toward repealing the poll tax laws. The tax unquestionably would be defeated if submitted to popular vote in this State and it is sincerely to be hoped that favorable action will be taken by the Legislature when it convenes in May.

EFFECT OF THE CUMULATIVE FEATURE OF THE POLL TAX IN JEFFERSON COUNTY

Mrs. Harvey M. Emerson, Birmingham

In only one of our 49 states could the following headline appear in a newspaper and be true: "Vote Privilege Cost $36.00 for 93 in County."* The seven poll tax states charged the following minimum and maximum for voters:

	Amount of rate**	Maximum Legal Charges	Due Date
South Carolina	$1.00	$1.00	60 days before election
Arkansas	1.00	2.00	October 1
Tennessee	1.00	2.58	February 1
Texas	1.50	1.75	6 months before election
Virginia	1.50	5.08	6 months before election
Alabama	1.50	36.00	February 1
Mississippi	2.00	6.00	30 days before election

In only three states the tax is cumulative for voters; Mississippi, for two years preceding an election; Virginia, three; and Alabama for the entire period of liability from age 21 to 45, or for 24 years.

During the four month period the poll tax is received in Alabama, October 1 to February 1, Tax Collector J. W. Hamilton took in this last time from Jefferson County registered voters:

15,772 paid $1.50 for 1 year.	30 paid $30.00 for 20 years.
946 paid $3.00 for 2 years.	32 paid $31.50 for 21 years.
434 paid $4.50 for 3 years.	29 paid $33.00 for 22 years.
161 paid $7.50 for 5 years.	26 paid $34.50 for 23 years.

93 paid $36.00 for 24 years, the maximum.

So for 1945 we have 18,758 voters who have paid poll taxes. However, the number of qualified voters for Jefferson County is around 60,000, showing that just about one-third of those who vote must pay poll taxes; the others are exempt. The adult population for Jefferson County is 284,359. Only 32.572 votes were cast during our 1944 May Primary—18,006 for Senator Hill and 14,566 for Senator Simpson—about 12 percent of those who should be voting.

By February 1 of this year, our tax collector had taken in only $55,-356.00 in poll taxes. If all of our adults in Jefferson had paid the $1.50 yearly poll tax, we would have had $426,438.50. Since two-thirds of the voters are exempt and no effort is made to collect poll taxes, we can assume that the revenue derived from poll taxes is of little consequence.

Voting in Homewood.—I live in the little city of Homewood, Alabama, which is a "relatively new, fast growing residential section of the Birmingham metropolitan district, having a population with better education, better homes, and better jobs than the average in the district", to quote from a recent survey called "Postwar Planning" which was made at the request of our Mayor and City Council under the direction of Dr. Roscoe C. Martin, Director of the Bureau of Public Administration, University of Alabama.

* From Birmingham Post, February 27, 1945

** Table from page 15, "The Poll Tax" by Eleanor Bontecou, published in 1942 by the American Association of University Women, Washington D. C.

Of a total population of 7,397 (in 1940), 4,819 were of voting age; but in 1944 only 1,569 were registered. On my particular street in 13 houses, only three of which are rented, live 29 adults, 19 women and 14 men. Nine of the men vote and six of the women. With the exception of the couple still in their thirties, the other 13 voters are either so near 45 years of age that they will be able to finish out their 24 years of poll taxes before the next recession, or they are already exempt from the payment of poll taxes, having passed their 45th birthday.

Why My Other 14 Neighbors, Nine Women and Five Men Don't Vote

Case 1.—A recently discharged Marine sergeant—just hasn't found time to go to the Court House and re-register which will excuse him from further poll tax payments. His wife said: "Why don't I vote? I got married instead. I was looking forward to voting too as my father always helps at the polls during elections. But I am now 29 and owe for eight years; $12.00 would buy me a spring outfit, if I had the $12.00."

Case 2.—The new neighbors across the way are grandparents. The husband is in good standing as to his poll tax payments. However, he hadn't lived the required three months in the 25th precinct so couldn't vote in the Homewood City elections September 18. His wife said, "Oh, yes, I am registered and interested in voting. **In fact, I have been down recently to pay up my back poll taxes which come to about $14.00 but I got there at the wrong time. I am ashamed to admit it but I became delinquent when we moved to Georgia some years ago.** Then, too, my husband votes Republican and I am a Democrat, so usually I kill his vote."

Case 3.—On our left live a couple in their middle thirties. I figured the husband must owe about $21.00 in back poll taxes, the wife $19.50. The wife told me last fall, "I have about decided on some drapery material for the living room and dining room. The curtains would cost about $40.00. French says if I will wait on the drapes he will take that money and pay our poll taxes, but I don't know." To date they haven't the new curtains, maybe the poll taxes are paid.

Case 4.—Our neighbors from New Orleans have lived in Alabama six years now. The husband travels for a railroad. The wife said, "You live here two years and you begin to be interested in the local set-up and you want to vote, but owe $4.50 to start with. **The railroad men, most of them, say, 'I may be transferred tomorrow,' so they don't register. It would take $9.00 a piece for us to vote in Alabama now."** They voted in Louisiana and helped rid that state of Huey Long. **They are interested in a really secret ballot, which we do not have in Alabama except where voting machines are used.**

Two of our non-voting wives married to husbands who vote said: **(Case 1)** "I came to Alabama from Tennessee as an orphan, finished high school, and went to work. I kept thinking I would register but never did, then I married. Now I owe poll taxes for years and years. Can a person vote after they reach 45?" **Answer, "Yes, provided you pay poll taxes for 24 years—$36.00" Case 2**—"I moved to Alabama in 1937 from North Carolina where I voted. Fred registered and votes here. **I owe for eight years and I keep thinking I will go down and pay my back poll taxes so I can vote.** When can I register?"

In Our PTA, the Executive Board is made up of six elected officers, 25 appointed committee chairmen and a parliamentarian making a total

of 32 women. Checking these names against the published voters list of last May, we find that 12 are registered voters, 20 are not on the list, including the president and the secretary. In talking to the secretary she told me, "The fact that neither Frank nor I vote is a source of great embarrassment to us, especially as we are related to important persons in the Democratic Party and in politics. **We have lived in Birmingham ten years now and it would take $30.00 for the two of us to pay up our back poll taxes. The depression and a large number of doctor and dentist bills are the reasons they have not been paid.** Each year Frank says, 'I hope I can pay our poll taxes this year.'"

My next phone call was to a young woman on our PTA Board whose name appears on the voters list but we could not find her husband's. She said, "My husband travels all the time; often he purchases his automobile tag in another part of the State. He isn't interested in voting and he is now 41 and would owe 20 years back taxes or $30.00. I came from Tennessee where you pay the $2.00 the year you vote, $1.00 for the state and $1.00 for the county. If you don't vote your taxes are not held against you and allowed to accumulate. **I paid about ten dollars when I registered in Alabama. I have such strong convictions—one of them complete abolition of the poll tax—I reached the point where I felt I must be a voter and not just a talker."**

In checking the six officers-elect of our PTA, I discovered two voters and four non-voters. One of the voters is the Vice-President in charge of Programs. She said, "I haven't thought much about the poll tax. It doesn't worry me and never has. As I was living with my uncle and aunt when I was 21, my uncle paid my poll tax the first year. The second year I was married and my husband paid them and has every year since." In contrast, a neighbor on the next block said, "Jimmie, as a veteran of the last war, doesn't have to bother about the poll tax. It slips up on me but I manage never to get more than a year or so behind." She is the mother of five children, one still pre-school. **She went on, "I am for complete abolition. When our colored people get to the point they are interested in voting, they can help with the elections too. If Georgia can do without the poll tax, so can we."** She wasn't on last May's voters list, but she now has her poll tax receipt for taxes paid up-to-date. She is President of a literary club of 25 members. Last Friday she asked them how many were voters; 14 said they were, nine said they were not, and two were absent. She was distressed but I told her the voting average of her group was quite high.

One of my friends, a newspaper man, has not paid his poll taxes since Hoover was elected President. **He now owes $25.00. During the depression he not only cared for his wife and two babies, but also for relatives on both sides.**

So much for how the cumulative poll tax affects my crowd. Even with our "better education, better homes, and better jobs" we have a hard time paying our poll taxes. Only 1065 of us went to the polls on September 18, one of our most vigorously campaigned city elections. How much harder it must be for those about whom Miss Frances Callen wrote, "The average annual income in poll tax states is less than $300, that of tenant farmers but $73 in cash money. Poll taxes from $1 to $2 represent a substantial amount especially so in Alabama where arrears of back poll taxes

may run as high as $36."*

Results of AAUW Questionnaire.—The results of a questionnaire submitted without comment to members of the Birmingham Branch of the Association of University Women at their regular meeting April 17, were as follows:

For abolition of the poll tax as a prerequisite to voting: For, 64; against, 23; undecided, 2; not checked, 7; blank questionnaires, 16. Of the 64 voting for abolition, 47 were voters—29 poll tax payers and 17 exempt, and 17 were non-voters. Of the 23 against abolition, 19 were voters—13 poll tax payers and 6 exempt, and 4 non-voters. Of the 96 answering the questionnaires, 72 were voters—45 poll tax payers and 23 exempt, whereas 24 were non-voters.

Reasons given by 24 for not voting in Alabama, all of whom stated they were interested in voting: Six had not lived in the State the required two years; five were behind in poll-tax payments; five were not 21 years old; four had never registered; one was a visitor in the State; one objected to the absence of a secret ballot; two gave no reasons.

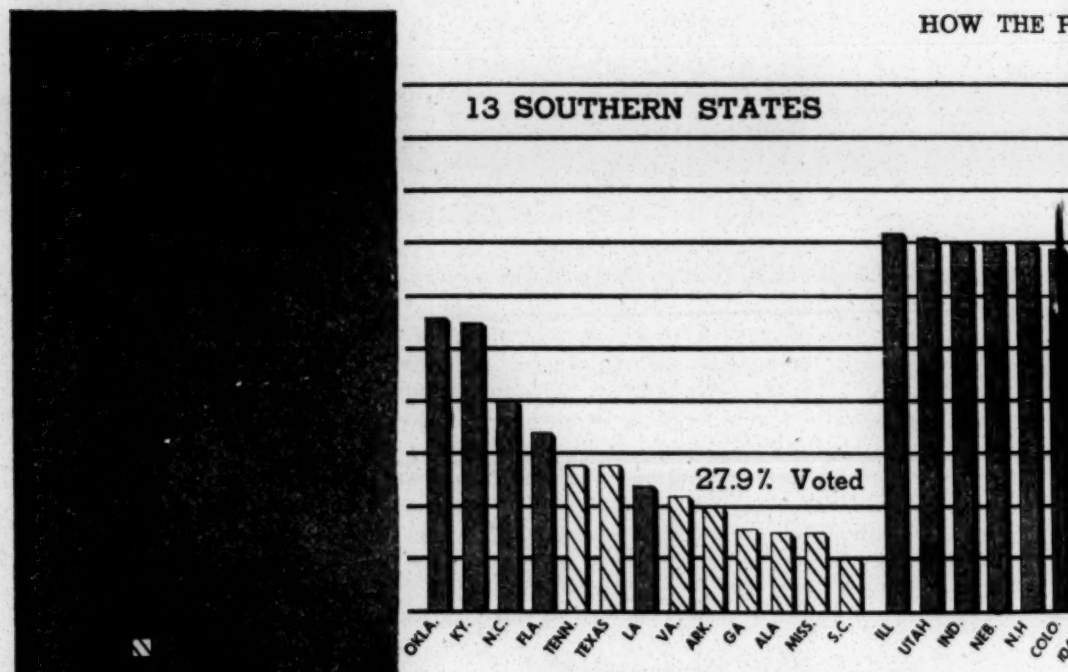
A former president of the Birmingham Branch gave her reasons for abolition: "1. I think value of poll tax too insignificant in comparison to harm or keeping down number of voters. 2. Poverty of people in state, especially many farmers. 3. I do not fear the negro vote, since N. C. has furnished us an example of the success of a Southern State without poll tax." **Another wrote:** "The poll tax is a political device by which the vote can be controlled. This practice is undemocratic, if it is used to control the Negro vote, it is time we should educate the negro how to vote — and not deny him this right" **Another:** "Feel poll tax is constitutionally wrong. Consider myself intelligent—average education—could financially afford payment of back poll taxes, but my convictions are against such taxes. Am not in sympathy with its origin and feel that it is obsolete now. The money alone keeps lots of intelligent white people and some intelligent negroes from the highest privilege of citizenship."

Several mentioned the effects of the cumulative features of our poll tax on the voting of women: "I am acquainted with several women who should vote but do not because of the cumulative feature of the poll tax. It seems to me an unfair requisite for voting." "Voting makes better citizenship. Having to pay back poll tax keeps many woman from voting." "It is most undemocratic for a citizen to have to pay for the duty and privilege of voting. Furthermore, the poll tax keeps many intelligent women from voting because of the accumulated fees. If we are spilling American blood to get democracy for the other nations, why should we be undemocratic at home?"

A woman lawyer wrote: "There is something wrong when only about 17 per cent of the Alabama citizens over 21 vote." **Another voter put on her paper: "I don't believe a person should have to pay to vote in a free country."**

Among those who wished to retain the poll tax: "I am not in favor of having to pay poll tax and being unable to vote for two years. But I

* The Case Against the Poll Tax—by Frances Callen, Head, History Department, Ramsay High School, March issue, Birmingham Teachers Bulletin.



1944 Presidential Election figures show that
in non-poll-tax states.

In the eight poll-tax states—Alabama, Arkan
per cent of the potential voting population voted.

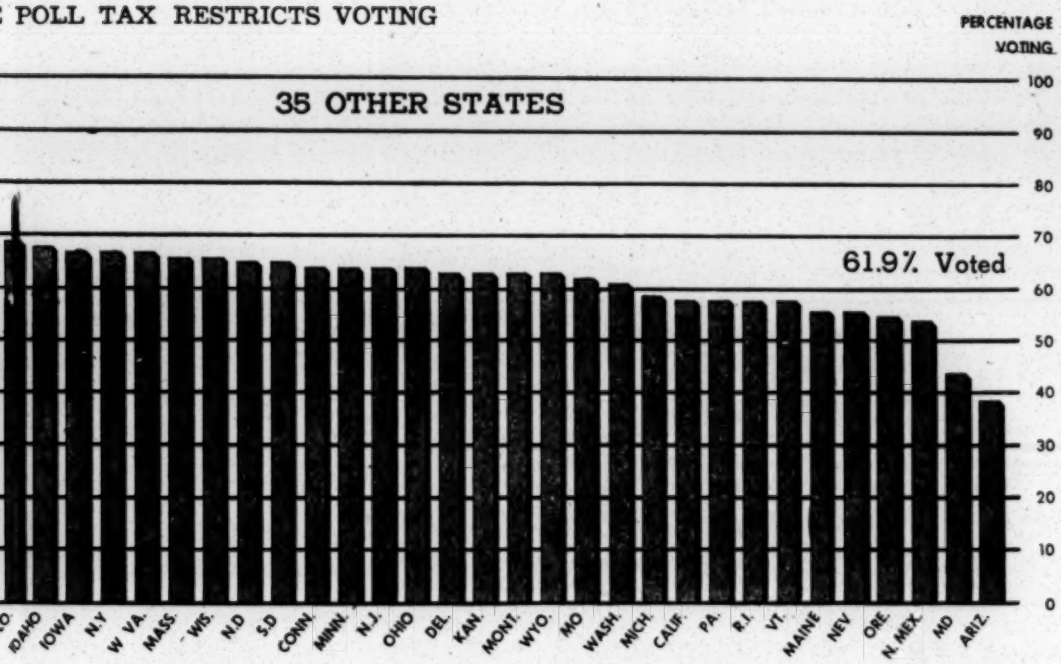
In three Southern States which have repeale
states, 61.9 per cent voted. **For Statistical Table**

feel that we must have some method of keeping the ignorant and uneducated, both black and white, from voting. **There are some counties in Alabama where the negro would control the election if he could vote. Therefore I am opposed to abolition of poll tax." Several stressed the fact that the poll tax goes to schools:** "Schools need every penny they can get and $1.50 per year does not prevent reliable persons from voting." "As a democratic principle, I think the poll tax should be abolished but not before some measure has been taken in Alabama to replace the amount in the educational fund."* "I do not consider $1.50 per year an amount prohibitive to voting. The money derived goes to our schools. Eventually a strict literacy test may be substituted as a prerequisite for voting."

Several, while not favoring abolition, would be willing to eliminate part of the cumulative feature. Another former president of the Birmingham Branch wrote: "With the payment of two or three years back taxes I would be willing to have delinquent tax payers vote. It is because of the forces that are pushing the abolition of poll tax that I chiefly object."

A teacher in one of our local colleges wrote on her questionnaire,

* Poll taxes for Jefferson County for 10/1/43 to 2/1/44—$$62,059.50
Total spent on 5 school systems in County 1943-44—$5,569,310.00



at 19 out of 100 citizens go to the polls in the poll-tax states; 62 citizens out of 100 ansas, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Virginia—**only 19** led—**Florida, Louisiana, North Carolina,** 32.6 per cent voted. In the remaining 37 **ole see page 46.**

"People who are intelligent enough to vote make enough money to pay poll tax. Too many illiterate votes would be **bought.**" Agreeing with her is the national second vice-president of the American Association of University Women who told me in Montgomery in the fall of 1942 at a board meeting of the Alabama Division that any woman could earn or raise $1.50 if she really wanted to vote.

Yes, $1.50 is only the "price of 30 soft drinks, the cost of 10 packages of cigarettes, the price of 5 admissions to a moving picture show, less than the cost of a good necktie, less than the cost of one 'book of the month' "*; but $1.50 will buy 14 loaves of bread including sales tax with seven cents left over, buy 15 quarts of milk (Montgomery prices), pay for a school child's lunches for two weeks, cotton material for a house dress, postage on 18 airmail letters to a boy fighting overseas. With $36.00 one can purchase a suit of clothes or a winter coat, pay one semester's tuition at Miles Memorial College in Birmingham, the dentist bills for one year for a family of four. $1.50 and $36.00 will pay for a $50.00 war bond. Yes, $1.50 or $36.00, or any amount in between for something priceless!

* Judge Walter B. Jones addressing the survivors of the 1901 Alabama Constitutional Convention, 10/29/42, Jefferson Davis Hotel, Montgomery.

In 41 of our 48 states, citizens pay nothing for the right of the franchise. Yet all the gold hidden in the salt mines of Germany could not buy the vote for some of our fellow men across the Atlantic. The very best answer favoring abolition of the poll tax was written by a young woman still too young to vote in Alabama, "Poll tax is contrary to democratic ideals. It is in opposition to that part of the Constitution which guarantees the franchise to every citizen of the United States. We are defeating the very thing for which we fight when we put a 'price' on democracy—and voting is the very essence of democracy."

Not quite 100 years ago a small group of women resolved "that it is the duty of the women of the country to secure to themselves the sacred right of the franchise." * The women of Alabama must help abolish the poll tax as prerequisite for voting if many of us are to vote.

NOTES ON QUALIFICATIONS FOR VOTING IN ALABAMA

Mrs. L. S. Evins, Birmingham

In order to vote a person:

Must be 21 years of age for every state (except 18 for Georgia).

Must be a citizen, and not have been convicted of certain crimes.

Must register.

Residence.—Must have been a resident for two years.

Two years in state, one year in county, three months in precinct.

Thirty-two states have a one year residence requirement.

Alabama's residence requirement is too long. War workers, tenant farmers, citizens leaving the state for a little while, or coming back must wait two years to vote. It is a horse-and-buggy rule. With daily papers and radio, information travels faster than in 1901.

Property. A person to vote must own at least $300 worth of property; personal property may be included. **The majority are asked no questions about property. Registrar asks property requirements of those he desires to eliminate. There should be no property requirements. Citizenship should not be determined by material possessions.**

Education. Must be able to read or write.

Poll tax. $1.50 per year cumulative between 21 and 45 years.

Seven states have a poll tax, Georgia recently repealed her poll tax. The poll tax was levied in Alabama in 1901 to prevent the negro from voting. **It has proved a boomerang, disfranchising more whites than blacks. The tax is undemocratic and makes Alabama a state ruled by privilege**—those who can afford to pay. Men and women with small incomes and especially mothers with little children whose needs are many and expensive find the poll tax hard to pay. In the 1944 presidential election, 19 percent voted in poll tax states, other states 60 percent voted. **All citizens should have equal civic and political rights.** The poll tax brings about inequalities.

* Victory—How the Women Won It—published by the National American Woman Suffrage Association—p. 28.

Prejudice and fear keeps the poll tax: (1) opposition to negro vote. (2) fear of radical labor leaders.

Every change in government brings problems to be solved. **The negro vote now is controlled by Boards of Registrars. Possibly the correct control should be through higher educational requirements.** Much of the danger of radical labor leadership could be relieved through a really secret ballot.

Louisiana, Florida, North Carolina have no poll tax. No particular trouble has arisen as a result of abolishing the tax, but the number of voters has risen.

There are those who insist that since the poll tax goes to schools it should continue to be levied. **All poll tax money collected in Alabama in a year wouldn't keep the schools open but two days.**

A person who votes is a better citizen. He assumes his share of responsibility, is more interested in law and order. He is more loyal to the government which he helps to create. **Instead of barriers to prevent voters, a chance to vote should be within every citizen's easy reach.**

THE FRANCHISE SHOULD BE BROADENED

Charles N. Feidelson, Birmingham

I have been asked to discuss the cumulative feature of the poll tax. But in view of the fact that it has already been dealt with, I prefer to take up the larger issue. **Since it would involve as much trouble to get rid of the cumulative feature as to get rid of the parent evil, it seems to me that we should take the more sweeping approach—that we should aim at eliminating the system of requiring the payment of a tax as a condition precedent to voting.** It is the poll tax in its entirety which is obnoxious to all who know how it got into the constitution and what it has brought about in our political life.

We are led to believe that it was originally aimed at establishing "White Supremacy", but even at the very outset reactionary forces were using this as a screen for their suppression of the remains of the Populist movement in this state. The men who were running the constitutional convention had had enough of agrarian revolt. They wanted to make sure that they would not be subjected again to the fright they had had when the discontented farmers rose in their wrath. And to the extent that they have succeeded in throttling progressivism in Alabama, in keeping down the number of voters to make machine domination easy, they have found in the poll tax a powerful weapon.

Whatever the reasons for imposing the poll tax on the state, it is now plain that these reasons are no longer valid. It is now plain that if "White Supremacy" hinges on this undemocratic device, we are leaning on a broken reed. The federal government will soon get rid of the poll tax if we don't anticipate that exercise of authority. It is now plain that the only people who wish to retain the poll tax are the politicians and office-holders who do not relish the idea of asking preferment from a truly representative electorate.

If we want to keep the ballot pure and undefiled, we must work for fair and fairly administered registration laws in that behalf. But even that is not likely to get us very far, so long as we have a one-party system. I am a good Democrat but I look forward to the day when two respectable parties can fight it out in Alabama. Until that time comes, we will be

plagued by the factionalism which is a perfect climate for reactionism and corruption.

Let's do away with the poll tax, let's do away with other discriminatory laws directing at keeping the Negro in his place. Let's have registration laws which can be applied without making a mockery of fair play and democracy. Let's do everything in our power to abolish the shadow under which Southern whites move and have their being. Let's wipe out a double standard which divides us against ourselves. **Let's have a "White Supremacy" dependent on the white men's superiority and not on doing violence to the rights and hopes of the Negro.**

THE CUMULATIVE POLL TAX IN ALABAMA

Carey E. Haigler, Birmingham

The cumulative poll tax in Alabama has, like a cancer, gnawed at the very life of our democracy. Adopted in 1901 ostensibly for the purpose of preserving "White Supremacy" but actually to restrict the right of franchise to a select minority, it has actually deprived thousands of our white citizens of the opportunity of voting.

The immediate reduction in votes cast after the adoption of the poll tax in Alabama amounted to thirty-four percent. Since then the number of people voting has steadily declined.

The men and women within each state who are kept from voting suffer first and most from the poll tax. Their elected officers know that they owe their election to a small proportion of the people, and they are more likely to make laws for the benefit of minority groups.

The now ailing **Senator Carter Glass of Virginia** made one of his characteristic speeches in the Constitutional Convention of 1901 in his state in which he said, "The chief purpose of this Convention is to amend the suffrage clause of the existing Constitution. It does not require much prescience to foretell that the alterations which we shall make will not apply to all persons and classes without distinction. We were sent here to make distinctions. We expect to make distinctions. We will make distinctions." The Chairman of the Alabama Convention of 1901 was frank to admit that one of the purposes of the poll tax was to eliminate the

One of the silliest arguments heard in favor of retaining the poll tax is that it prevents the Negro from voting. I say to you that thousands of Negroes will go without food, if necessary, to pay their poll tax if payment of the tax was the only requirement to voting. **The registration laws of Alabama constitute the real barrier for Negro voters.**

Another favorite argument of the poll taxers is the oft quoted "revenue derived from the poll tax goes to education". **The amount of poll tax paid at the close of the books on February 1, 1940, with one of the fullest registrations Alabama ever had, was probably less than three hundred thousand dollars,** or **about enough to run the schools for two days.** Of far greater importance to education are the representatives in the Legislature, who are elected by less than one-fifth of the possible voters of Alabama.

Revenue derived from the poll tax will be less than ever since the people of Alabama have by referendum vote overwhelmingly exempted veterans of all wars of the United States from the payment of the tax. That in my humble opinion was indicative of the attitude of even the small minority group who now enjoy the right of franchise and you can readily

imagine what the thoughts of those who are deprived of this right would be.

The Chairman of the State Democratic Executive Committee in public statements, both oral and written, has often referred to the riff-raff of Alabama who would be permitted to vote if restrictions such as the poll tax were eliminated. It is hard for me to imagine any substantial group of Americans as riff-raff and the Chairman's remarks are an insult to those of our people who have been victims of our economic set-up in the South.

Another stock argument of the poll taxers is directed against "outside agitators" and "pressure from without". Some of the same people in our state government who are so apt to rant and rave over the outsiders are the same people who so earnestly sat and listened to "Eddie" Rickenbacker and Lee O'Daniel when they addressed joint sessions of the Alabama Legislature and then these same gentlemen subserviently enacted the Bradford anti-labor law. As long as Alabama appears ridiculous in the eyes of the outside world, just as long as we permit discriminatory laws to remain on our statute books, just so long we may expect to be the targets of barbed criticism from peoples of other states and nations, even though they are, so to speak, busily engaged in "removing the mote from their neighbor's eyes instead of the beam from their own".

West Virginia, Kentucky, North Carolina, Louisiana, Florida, and now Georgia have taken their rightful place in **this great republic whose Constitution states emphatically, "that no state can pass any laws abridging the rights of its citizens granted under the Federal Constitution". Another great document, the Declaration of Independence, makes reference to the fact that every just government derives its powers from the consent of the governed.**

Yesterday we celebrated the birthday of a great American, also a citizen of the world, Thomas Jefferson. That great Democrat said, "Let every man exercise his just and equal right to vote". Today we are bowed in grief over the passing of another great American, another great democrat, Franklin D. Roosevelt. To our departed Commander-in-Chief is attributed the following, "The right to vote must be open to all our citizens without tax or artificial restriction of any kind".

That great Alabamian, Lister Hill has said, "The Alabama poll tax, because of its cumulative requirements, is the most burdensome, restrictive, indefensible and undemocratic of any state". Summing up his statement Senator Hill says, "The poll tax in Alabama must go".

Jennings Perry, Editor of the Nashville Tennessean, has written a book entitled, "Democracy Begins at Home". Let Alabama's citizens who have ever been forefront in the fight for democracy in the nation and the world now demonstrate some of that democracy at home, here in Alabama, by eliminating the poll tax.

Some have said it is better to take our medicine in broken doses and retain the poll tax, reducing the cumulative provision to two years. If you have an infected appendix no surgeon would think of removing only a part, nor would he extract one tonsil permitting the other to remain infecting the whole body. So should this cancerous growth on the body of our democracy be removed once and for all.

INFLUENCES OF THE PAST

By H. Clarence Nixon

Note: This is a part of an article by Mr. Nixon as carried in a pamphlet of the American Council on Public Affairs, entitled "The Poll Tax", published in 1940. Mr. Nixon, a member of the faculty of Vanderbilt University, is a resident and voter of Calhoun County, Alabama. It is included as perhaps the best brief account available of the poll tax as a voting requirement in the United States.

There have been two eras of poll-tax requirements for voting in American history. In the first era, following the war of the Revolution, the requirement was applied as a substitute for general property qualifications for voting and represented an intermediate step toward a wider manhood suffrage. The broadening of the suffrage was in accordance with the teachings of Benjamin Franklin, Samuel Adams, Tom Paine, and Thomas Jefferson. In the second era, beginning about 1890, the poll-tax policy was resorted to again, in the South, distinctly as a modification and limitation of Democratic suffrage, following the Populist threat to the "Solid South" and to Bourbon rule in the South. Thus the poll tax has furnished a step toward democracy and subsequently a step away from democracy, the democracy of Franklin and Jefferson.

The property test for voting was rather general in Colonial times. However, by 1789, when the Federal Constitution became operative with George Washington as President, five of the states had shifted entirely or partly from the property test to some form of tax payment for voting. These were Pennsylvania, New Hampshire, North Carolina, South Carolina, and Georgia. The movement from property test to tax test progressed rapidly in the decade following the inauguration of Government under the Constitution. Small poll taxes were supplanting property requirements, or both tax and property requirements were being abandoned. Vermont, in 1791, and Kentucky, in 1792, entered the Union with full manhood suffrage.

The popular victory of Jefferson at the turn of the century strengthened the trend toward a broad suffrage, and the emergence of the common man in the Jackson period all but completed the task of removing tax requirements for voting. Mississippi, in 1817, was the last state to be admitted to the Union with a property or tax-paying qualification. **The new pace was set by the sister state of Alabama, which entered the Union in 1819 without economic restriction on voting. The spirit of equality on the frontier meant free manhood suffrage.** There issued from the frontier a breeze of democracy to stimulate the general suffrage movement in the older states. The last states to give up property qualifications were Tennessee, Rhode Island, New Jersey, Virginia, and North Carolina, and the respective dates of their relinquishments were 1834, 1842, 1844, 1850, and 1856. The change in Rhode Island, where there had been no extension of suffrage since Independence, was brought about only after the formation of a People's Party in 1841 and the consequent crisis marked by Dorr's Rebellion. By 1860 tax-paying qualifications had largely disappeared. Such restrictions at that time existed only in the six states of Delaware, Massachusetts, Rhode Island, Pennsylvania, North Carolina, and Georgia.

The new South, after the middle of the seventies, experienced the restoration of home rule, with white supremacy and general manhood suffrage,

in a period which was characterized by a wide industrial expansion and the spread of an agrarian crusade in America. Industrial progress and rural poverty were becoming evident in the South and in the rest of the country. Henry Grady in the eighties noted that in the South farmers were sinking into economic slavery. There was much evidence for the opinion that from the Potomac to the Rio Grande the merchants were prosperous and the farmers were poor. Agrarian unrest sprang from crop liens, farm mortgages, and a mounting tenancy in the face of tight money and low prices for farm products. There was a Granger movement, followed, in turn, by the Farmers' Alliance movement, the Populist movement, and the Bryan free-silver movement, accompanied by a somewhat feeble but prophetic organized labor movement.

Ben Tillman in South Carolina, Tom Watson in Georgia, and Reuben Kolb in Alabama, were among those leaders who battled in the South for the discontented. The political power of railroad attorneys and conservative Bourbons were distinctly endangered. The "wool hat" boys were on the political war path. Politics became hot, and politicans purchased firearms. Negro voters were caught between political factions, economic groups, and even sectional differences. Something had to be done and done quickly to make the South safe for the supremacy of white Bourbon Democracy. Hence, the suffrage base was drastically reduced at the expense of Negroes and poor whites. Hang-over feelings from Reconstruction days caused many an honest man to go along with the restrictive movement. Not all were so consistently honest as Governor Aycock, of North Carolina, who did not stop with the literacy test for voting but advocated and put through an educational program aimed at universal application with inclusion of both races.

The narrowing of the suffrage in various Southern states was effected approximately within the period between 1890 and 1910. It was brought about through constitutional and statutory changes with provisions for new registration and tax-paying requirements. The registration requirements for voting were extensively discussed during the period of adoption or ratification. They generally involved literacy and property qualifications, frequently with the temporary application of variants of the "grandfather clause." Such constitutional restrictions were put into effect by Mississippi in 1890, by South Carolina in 1895, by Louisiana in 1898, by North Carolina in 1900, by Alabama in 1901, by Virginia in 1902, and by Oklahoma in 1910. Oklahoma made the use of the "grandfather clause" permanent, only to have it declared unconstitutional by the United States Supreme Court.

It was generally understood and frankly stated that these measures for regulating and restricting registration for voting were designed to take the Negro out of politics but to "disfranchise no white man." Said the Louisiana constitutional convention chairman, "Doesn't it let the white man vote, and doesn't it stop the Negro from voting, and isn't that what we came here for?" John B. Knox, president of the Alabama convention, assumed that it was within the limits of the Federal Constitution to "establish white supremacy in this state." A member of that convention was quoted as saying that he would disfranchise Booker T. Washington if he could. The campaign for ratification of the Alabama constitution of 1901 was conducted with emphasis on the issue of Negro disfranchisement. In North Carolina

there had been pre-election emphasis on literacy qualifications and white supremacy.

The post-Civil War poll-tax qualification for voting was put in the Tennessee Constitution in 1870 but was not effectively applied under statute until 1890. Virginia experimented with it between 1875 and 1882, abandoning it under the governor's criticism that it "opened the flood gates of corruption." Florida started with the poll-tax requirement in 1889, followed by Mississippi in 1890, Arkansas in 1892, South Carolina in 1895, Louisiana in 1898, North Carolina in 1900, Alabama and Virginia in 1901, Texas in 1903, and Georgia in 1908. Only North Carolina, Florida and Louisiana have abandoned the requirement.

The literacy qualifications and other registration tests were given so much popular attention as to overshadow the accompanying movement for poll-tax requirements for voting. The literacy test and the "grandfather clause" were distinctly connected with the race question and Negro disfranchisement, with no little agitation. In comparision, the new poll-tax requirement was something of a "joker," applying equally to whites and Negroes. It was sometimes assumed that Negroes would habitually be more neglectful of voluntary payment of poll taxes and preservation of receipts than whites. But there were significant comments on the effects of the tax on white suffrage. The Birmingham Age-Herald (May 19, 1901) observed that it would "confine the electorate to the more conservative and intelligent portion of the population," as demonstrated in "three other cotton states." There were those who baldly said that the poll tax was an important method for getting "rid of the venal and ignorant among the white men as voters."

But, by and large, the prospective effect of the poll tax on white voting could not be emphasized and advertised, for such talk would turn the hillbillies and Populists against the whole proposal. It was effective strategy to utilize the race issue, to preach Negro disfranchisement, and to give assurance that "no white man would be disfranchised," meaning that whites would generally be allowed to register. The whites of the hills helped to vote the Negroes out of politics immediately and at the same time to prepare the way for their own gradual loss of the vote. Such results were desired by many of the conservative leaders, who wished to be troubled with Populism no more. It is not unfair to class with these leaders the president of the Alabama constitutional convention of 1901, who was a corporation lawyer with large fees from railroads, who travelled on free passes, who was scornful of the progressive movement in America, and who was severely critical of Woodrow Wilson. The whole story of the forces involved in the Southern suffrage restriction movement has not yet been told. Meaningful history here remains to be written.

ARGUMENTS OF THOSE WHO FAVOR FEDERAL REPEAL OF THE POLL TAX

Note: Since none of the speakers touched on the much discussed proposal for the repeal of the poll tax by Congress, this resume of the main points in their argument as to the constitutionality of Federal repeal is presented for the information of those concerned.

The case for federal repeal in a nutshell is the contention that the poll tax as a requirement for voting in elections to fill a federal office is un-

constitutional, in that the sovereignty of the Federal Government is impaired by a state tax on a federal franchise.

The basic question, they hold, is whether the payment of a poll tax is a "qualification" for voting in the constitutional sense. "If the payment of a poll tax has no rational relationship to the citizen's capacity to participate in the choice of public officials, it need not be treated by the Congress as a qualification within the meaning of the Constitution. A poll-tax requirement imposes a restriction on the citizen's right to vote, but if it is not a qualification in the constitutional sense, then it is within the power of Congress in regulating Federal elections to override such a restriction on the right of a qualified citizen to vote". U. S. Supreme Court cases referred to in presenting the above argument are Nixon v. Condon, 286 U. S. 73; United States v. Classic, 313 U. S. 299,315; Edwards v. California, 314 U. S. 181, 184-5; and Breedlove v. Suttles, 302 U. S. 277.

"In the exercise of its powers over Federal elections, continues the argument, "it is altogether fitting and proper for the Congress to prohibit State poll-tax requirements if in the judgment of the Congress such requirements unduly restrict the rights of national citizenship and make for fraud and corruption in Federal elections". The above is part of an argument submitted jointly to the Senate Committee on the Judiciary at the Poll Tax Hearings on S. 1280 (see pages 350-352) July 30, 1942, by F. Van Hecke and Robert H. Wettach, former and present dean respectively of the University of North Carolina; Myres S. McDougal and Edwin Borchard, professors of law, Yale Law School; Lloyd Garrison, dean of the Wisconsin Law School; Walter Hamilton, professor of constitutional law, Yale Law School; and others. Similar argument is presented by James J. Morrison, professor of law, Tulane University, in a pamphlet on The Poll Tax published by the American Council on Public Affairs.

Jennings Perry, editor of the Nashville Tennessean, at the Senate Hearings (pages 48-51) makes strong argument of the "clear mandate", as he interprets it, of Section 4 Article IV of the United States Constitution, which declares that "The United States shall guarantee to every State of this Union a republican form of government—" His argument in part is as follows:

"Our Nation set out to be a republic, or a democracy. There is no use splitting hairs over the term. We have fought great defensive wars in the high name of democracy. We are fighting one now....

"If we see plainly and beyond all doubting that a thing—a trick, a device, a subtlety—is vitiating and, in fact, has denatured the republican form of government in one, or more than one, of our States, is it not the duty of Congress to remove the obstacle, whatever it may be, and restore the republican form? Is it not an inescapable obligation—not moral alone, but expressly legal? The Congress shall guarantee—

"Our Republic rests on the right to vote. Our Federal Constitution declares it. Our State constitutions declare it. Simple honest logic declares it. Our Republic simply cannot exist without a right to vote securely in the possession of every citizen.

"Hence, if we see, with our eyes, this basic right attenuated and taken away, if we see terrible interference with its exercise, whereby not

thousands, but tens of thousands, aye, millions of American citizens are deprived of their rights of sovereignty, whereby government is withdrawn from many and left with the few, the rule of the majority—if we can see these dire consequences and can put our fingers on the cause, then is it not the compelling duty of Congress to act? . . ."

Whether we agree with the Federal Repealists or not, the present or any U. S. Supreme Court may consider their arguments sound. Whereas members of the Conference in the main were for State repeal, some members feel that if the State fails to act, remedy must be sought in repeal by the Congress. Frank P. Graham, president of the University of North Carolina, in advocating repeal of the poll tax by Congress, emphasizes the difficulty of getting state action in this paragraph:

"A federal bill to abolish the poll tax is a clear necessity as well as a national obligation. The poll tax restrictions are embedded in the state constitutions. In contrast to a federal bill, an amendment to repeal the poll tax would have to originate in and be passed by the state legislature, the members of which have been elected by the poll tax system. In some states it would have to be passed not by a simple majority but by a two-thirds vote of the poll-tax legislature. In some states it would have to be passed by two successive sessions of the state legislature. If an anti-poll tax bill got through the state legislature, then it would have to be approved by the restricted poll-tax electorate of the poll tax states. . . . There is high promise for our freedom and democracy in the increasing insistence of Americans for full suffrage. Victories for freedom abroad inspire us to struggle for victories for democracy at home".

The Majority Report of the Senate Judiciary Committee of the 78th Congress on H. R. 7, the anti-poll tax bill, declares:

> "The right to vote for Members of Congress is a right, as the Supreme Court has said, granted under the Constitution of the United States and, therefore, any law, constitutional or statutory, of a state which taxes this fundamental privilege is contrary to the provisions of the Federal Constitution. . .
>
> "No state can tax a Federal function. This is a proposition which will have to be admitted by all and, if this Federal function—the right to vote—can be taxed by a state then the State has a right to destroy this Federal function which, is after all, the foundation of any government . . ."

Supreme Court Justice Stanley Reed, in the eight to one decision affirming the constitutional right of Negroes to vote in Democratic primaries in Texas, declared:

> "It may be taken as a postulate that the right to vote in such a primary for the nomination of candidates without discrimination by the State, like the right to vote in general elections, is a right secured by the Constitution."

It was generally felt by the Conference that so far as Alabama was concerned, federal repeal would not be necessary. Members accepted as true reports that Governor Sparks would recommend repeal in his message to the Legislature. If the Governor recommends repeal, we may expect

the Legislature to respond to majority sentiment in the State for repeal. In this connection see page 48 for personal and editorial comment, which suggests how strongly sentiment for repeal is developing.

APPORTIONMENT OF REPRESENTATION

Note: Representatives E. C. Boswell and Mark Hodo, who were scheduled to discuss the subject of Apportionment of Representation, could not attend. Represenative Boswell, however, has submitted a copy of his plan which has been under consideration by the Interim Committee on Constitution and Legislative Procedure, and Represenative Hodo has submitted a brief criticism of the Boswell Plan.

The Constitution of 1901 declares it to be the duty of the Legislature to reapportion senators and representatives following each decennial census. Since the Legislature has never performed this constitutional duty, the result is striking dis- or mis-apportionment. Next to the disfranchisement of hundreds of thousands of good citizens by the poll tax and other voting restrictions, misapportionment causes a miscarriage of democratic justice and gives our government a reactionary and oligarchic character.

Not only is the franchise limited to only about one-fourth of the potential voters of the State, but within this limited electorate, the political weight of a voter in one county is ten to fifteen times that of a voter in another county. The result is that the voters and political leadership of a small group of less populous counties are exercising undue power in the government.

In 1901, ten counties—Barbour, Bullock, Clarke, Hale, Henry, Lowndes, Marengo, Perry, Sumter, and Wilcox—were accorded two representatives each or twenty altogether, as well as eight senatorships. These counties **declined** in population from 326,334 in 1919 to 243,609 in 1940, or by 25 per cent. Eight North Alabama Counties—Calhoun, Cullman, DeKalb, Etowah, Jefferson, Marshall, Tuscaloosa, and Walker—with combined populations of 328,660 in 1900, were allowed 18 representatives and five and one-third senators. By 1940, they had increased by 539,219 to 868,879, or by 164 per cent. Yet they have had no increase in representation. These counties have 30 per cent of the State's population as compared with 11 per cent from the ten Black Belt counties.

Lowndes County, with a 1943 estimated population of 18,220, has two representatives and one senator, or an average of one legislator for 6,073. Jefferson County, with a population estimated at 470,383 in 1943, has seven representatives and one senator, or one legislator for each 58,798. The ratio is 10 to 1 in favor of the Lowndes Countian. Or viewed from another angle, Jefferson County's 42,000 votes in the 1938 primary nominated eight legislators to three legislators by Lowndes' 1446 votes—a ratio of 15 to 1 in favor of the Lowndes County voter. Cullman County, with a population of 17,849 in 1901 and apportioned one representative, in 1940 had 47,343 people.

According to the 1900 census, which gave Alabama a population of 1,828,697, the 106 representatives each represented approximately 17,250 people. The apportionment at that time was fair, with all counties of over 25,000 getting a second representative; Dallas and Mobile, three; Montgomery, four; Jefferson, seven. Only Jefferson was out of line, being entitled to eight at 17,500 each.

Boswell Plan.—There has been no adjustment of representation, although the population of the State had increased by over 1,000,000 in 1940, and great intrashifts of population have been apparent. Efforts to get reapportionments have been made after each census, but to no effect.

The Interim Committee of the Legislature on Constitution and Legislative Procedure has given study to the following plan of reapportionment recommended by its Chairman, Representative E. C. Boswell, of Geneva. Mr. Boswell describes the plan as follows:

> "The plan contemplates one senator from each county.
>
> "The plan for reapportionment of the House provides that the county with the largest population will have 7 members; the 2 counties with the next largest population will have 4 members; the 5 counties with the next largest population will have 3 members; the 17 counties with the next largest population will have 2 members; all others 1 member.
>
> Under this plan, if adopted, the Legislature will be required to reapportion after each decennial census, but as a matter of fact, the reapportionment would be automatic, and when one county would gain a member of the Legislature, some other county would automatically lose one because the membership would remain at 106 just as it is now, unless and except the forming of a new county.
>
> "Under this set-up Jefferson County would have 7 members; Mobile and Montgomery would have 4 each; Calhoun, Etowah, Madison, Tuscaloosa, and Walker would have 3 each; Chambers, Covington, Cullman, Dallas, DeKalb, Elmore, Houston, Jackson, Lauderdale, Lee, Limestone, Marengo, Marshall, Morgan, Russell, Talladega and Tallapoosa Counties would each have 2 members; all the others 1."

The above plan seems to be fair, allowing one representative for about 25,000, and two for counties with over 35,000, except in the cases of Jefferson and Mobile Counties, which on this basis should have 22 and six seats respectively. This would call for increasing the total to 123 representatives, Increasing the number of members of the House would probably be more equitable than increasing the 25,000 by several thousand, and scaling down the representation of smaller counties to keep the number at 106. In this connection **see map on opposite page** showing population increases since 1900, representation accorded in 1901, and apportionment recommended under the Boswell Plan.

Senatorial Apportionment.—Some have questioned whether the Boswell plan tends to equalize apportionment or rather to aggravate inequities already existing. This plan contemplates one senator to each county. On page 45 is a statistical exhibit showing population changes from 1900 to 1943 in the senatorial districts as outlined in 1901, and a redistribution of the counties looking toward districts of more equal population. This proposal leaves districts the same as at present where feasible. At some points the range is wider than is desirable. The map on page 44 shows this proposal for redistribution of senatorial districts.

Mr. Hodo.—Representative Hodo, of Jefferson County, who could not attend the Conference, has submitted the following criticism of the Boswell Plan:

"Unquestionably, the bill he proposes is going in the wrong direction. My complaint against his bill would be principally in the fact that it provides one Senator from each County. I still believe that representation in the Lower House should be in proportion to population. This has generally

been true in the history of democratic governments and may we hope that it will continue to be, to some extent.

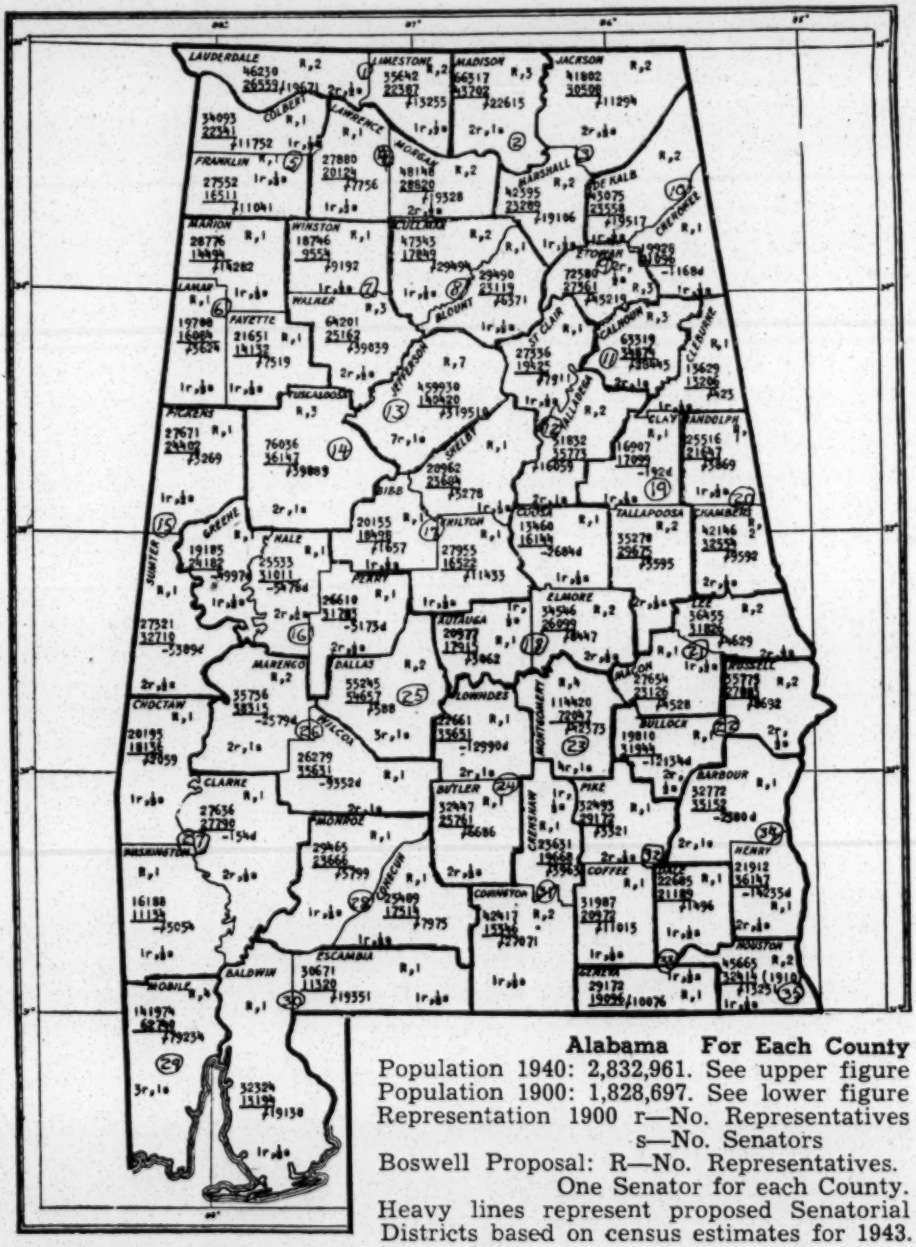
"I recognize the fact that smaller counties should have a certain amount of protection so that the more populous counties could not pass legislation derogatory to the less populous counties. However, I believe with the present apportionment in the Senate and with a more equitable apportionment in the House, it would lead to a better and more democratic system of government.

"As you know, the present Constitution provided for apportionment, and not since 1901 has the Legislature had the courage to do anything about it".

MEMBERS OF THE CONFERENCE

Bess Adams, State Department of Public Welfare, Montgomery; W. C. Beebe, State Representative, Bay Minette; I. J. Browder, State Personnel Director, Montgomery; H. G. Dowling, State Department of Revenue, Mongomery; Chas. W. Edwards, Alabama Polytechnic Institute, Auburn; Mrs. Harvey M. Emerson, Birmingham; Mrs. L. S. Evins, Women's Society of Christian Service, North Alabama Conference, Birmingham; W. M. English, State Personnel Department, Montgomery; Charles N. Feidelson, Columnist, Birmingham News, Birmingham; F. J. Foster, University of Alabama, University; Mary Ruth Graham, Bureau of Public Administration, University; Carey E. Haigler, Regional Director, Congress of Industrial Organization, Birmingham; Mrs. Louis Kaufman, Montgomery; A. D. Kirby, State Representative, Montgomery; J. G. Kuderna, Alabama Polytechnic Institute, Auburn; James C. McBride, Attorney, Bay Minette; Wade L. Moss, State Personnel Department, Montgomery; Joseph M. Ray, Bureau of Public Administration, University; C. B. Smith, President, State Teachers College, Troy; A. L. Thomas, Alabama Polytechnic Institute, Auburn; Mrs. A. L. Thomas, Auburn; J. P. Wright, Auburn; Mrs. J. P. Wright, Auburn.

APPORTIONMENT BY CONSTITUTION OF 1901
BOSWELL PROPOSAL FOR RE-APPORTIONMENT 1945
PROPOSAL FOR RE-APPORTIONING SENATORIAL DISTRICTS



Alabama For Each County

Population 1940: 2,832,961. See upper figure
Population 1900: 1,828,697. See lower figure
Representation 1900 r—No. Representatives
s—No. Senators
Boswell Proposal: R—No. Representatives.
One Senator for each County.
Heavy lines represent proposed Senatorial Districts based on census estimates for 1943.

PAST AND PRESENT POPULATIONS OF SENATORIAL DISTRICTS

No.	Counties	1900 Pop.	1943 Pop.
1	Lauderdale, Limestone	48,946	77,293
2	Lawrence, Morgan	48,944	70,327
3	Blount, Cullman, Winston	50,522	80,219
4	Madison	43,702	67,530
5	Jackson, Marshall	53,797	74,027
6	Etowah, St. Clair	46,786	101,379
7	Calhoun	34,874	70,610
8	Talladaga	35,773	59,436
9	Chambers, Randolph	54,201	59,595
10	Elmore, Tallapoosa	55,864	60,679
11	Tuscaloosa	36,147	67,977
12	Fayette, Lamar, Walker	55,378	90,300
13	Jefferson	140,420	470,383
14	Pickens, Sumter	57,112	46,058
15	Autauga, Chilton, Shelby	58,121	65,714
16	Lowndes	35,651	18,220
17	Butler, Conecuh, Covington	58,621	81,843
18	Bibb, Perry	50,281	37,758
19	Choctaw, Clarke, Washington	57,060	53,575
20	Marengo	38,315	27,259
21	Baldwin, Escambia, Monroe	48,180	87,007
22	Wilcox	35,631	22,833
23	Dale, Geneva	40,285	47,142
24	Barbour	35,152	27,600
25	Coffee, Crenshaw, Pike	69,812	76,430
26	Bullock, Macon	55,070	44,238
27	Lee, Russell	58,909	71,773
28	Montgomery	72,047	115,246
29	Cherokee, DeKalb	44,654	52,381
30	Dallas	54,657	50,896
31	Colbert, Franklin, Marion	53,346	81,345
32	Greene, Hale	55,193	37,160
33	Mobile	62,740	227,763
34	Clay, Cleburne, Coosa	46,359	36,110
35	Henry, Houston	36,147*	59,369

* Not including Houston

PROPOSAL FOR REAPPORTIONMENT ON BASIS OF 1943 ESTIMATED POPULATION**

No.	Counties	1943 Pop.
1	Lauderdale, Limestone	77,293
2	Madison	67,530
3	Jackson, Marshall	74,027
4	Lawrence, Morgan	70,327
5	Colbert, Franklin	59,029
6	Marion, Lamar, Fayette	55,109
7	Walker, Winston	72,978
8	Cullman, Blount	64,748
9	Etowah	77,085
10	Cherokee, DeKalb	52,381
11	Calhoun	70,610
12	St. Clair, Talladega	83,730
13	Jefferson	470,383
14	Tuscaloosa	67,977
15	Pickens, Sumter	46,058
16	Greene, Hale, Perry	57,880
17	Bibb, Chilton, Shelby	66,236
18	Autauga, Elmore, Coosa	57,583
19	Clay, Cleburne, Tallapoosa	55,720
20	Chambers, Randolph	59,595
21	Lee, Macon	59,693
22	Bullock, Russell	56,118
23	Montgomery	115,246
24	Butler, Lowndes	44,753
25	Dallas	50,896
26	Marengo, Wilcox	50,092
27	Choctaw, Clarke, Washington	53,575
28	Conecuh, Monroe	43,322
29	Mobile	227,763
30	Baldwin, Escambia	63,652
31	Covington, Crenshaw	54,298
32	Coffee, Pike	57,475
33	Dale, Geneva	47,142
34	Barbour, Henry	45,358
35	Houston	41,611

** Average for State 77,665. Less three large counties, average 59,528.

APPENDIX

HOW THE POLL TAX RESTRICTS VOTING

1944 PRESIDENTIAL ELECTION FIGURES

show that 19 out of 100 citizens go to the polls in the poll-tax states; 62 citizens out of 100 vote in the non-poll-tax states.

(000 omitted; figures rounded to nearest 100)

State	Potential Voters	Total Population	Total Vote	Potential Voters Actually Voting
Alabama	1,616	2,894	245	15%
Arkansas	1,059	1,869	213	20
Georgia*	2,012	3,225	328	16
Mississippi	1,179	2,231	180	15
South Carolina	1,011	1,950	103	10
Tennessee	1,785	2,959	511	28
Texas	4,116	6,970	1,150	28
Virginia	1,770	3,077	388	22
Totals	14,548	25,175	3,118	19% Average
Repeal States**				
North Carolina	1,950	3,638	790	40
Louisiana	1,463	2,556	349	24
Florida	1,403	2,369	483	34
Totals	4,816	8,563	1,622 Aver.	32.6 Average
Non-Poll-Tax States				
Arizona	352	534	138	39
California	6,028	8,466	3,521	58
Colorado	732	1,163	505	69
Connecticut	1,297	1,780	832	64
Delaware	198	281	125	63
Idaho	305	498	208	68
Illinois	5,616	7,694	4,036	72
Indiana	2,373	3,398	1,672	70
Iowa	1,581	2,318	1,052	67
Kansas	1,172	1,781	734	63
Kentucky	1,583	2,733	868	55
Maine	531	818	296	56
Maryland	1,394	2,092	608	44
Massachusetts	3,030	4,255	2,010	66
Michigan	3,729	5,422	2,205	59
Minnesota	1,758	2,577	1,125	64
Missouri	2,515	3,750	1,572	62
Montana	329	484	207	63
Nebraska	808	1,228	563	70
Nevada	97	143	54	56
New Hampshire	326	461	230	70

*Georgia repealed the poll tax in February 1945.

**North Carolina repealed the poll tax in 1920; Louisiana, 1932; Florida, 1937.

New Jersey	3,060	4,234	1,964	64
New Mexico	283	702	152	54
New York	9,470	12,858	6,317	67
North Dakota	337	543	220	65
Ohio	4,924	6,886	3,153	64
Oklahoma	1,276	2,168	713	56
Oregon	872	1,235	480	55
Pennsylvania	6,535	9,466	3,795	58
Rhode Island	511	751	299	58
South Dakota	354	577	232	65
Utah	351	634	248	71
Vermont	215	327	125	58
Washington	1,411	2,033	856	61
West Virginia	1,063	1,754	715	67
Wisconsin	2,041	3,010	1,339	66
Wyoming	159	254	101	63
Totals	68,616	99,308	43,270	Aver. 61.9 Average

Source: Bureau of the Census, Series P-44, Nos. 16 and 18.
Georgia figures adjusted to include voters 18 and over.

ALABAMA'S VOTE FOR PRESIDENT 1872-1944

	Total Population*	Potential Voting Pop.*	Total Vote	% Potential V. Pop.	Dem.	Rep.	Other Parties
1872	1,048,942	262,235	169,716	64.7	79,444	90,272	
1876	1,152,942	288,235	170,232	59.1	102,002	68,230	
1880	1,262,505	315,626	152,048	48.2	91,185	56,221	4,642
1884	1,362,505	340,626	155,027	45.5	93,951	59,591	1,485
1888	1,462,505	365,626	174,100	47.6	117,320	56,197	583
1892	1,576,401	394,100	232,516	59.0	138,138	9,197	85,181
1896	1,702,401	425,600	194,574	45.7	131,226	54,737	8,611
1900	1,828,697	457,174	154,764	33.9	96,368	55,634	2,762
1904	1,960,697	490,174	103,794	21.2	79,857	22,472	1,465
1908	2,092,647	523,174	101,746	19.4	74,374	25,308	2,064
1912	2,180,093	545,023	117,879	21.6	82,438	9,732	25,709
1916	2,264,093	566,023	125,177	22.9	99,409	22,809	2,959
1920	2,348,174	1,128,299	241,080	21.4	163,254	74,690	3,136
1924	2,468,174	1,216,299	166,593	13.7	112,966	45,005	8,622
1928	2,588,174	1,304,299	248,982	19.1	127,792	120,725	460
1932	2,693,248	1,389,401	245,032	17.7	207,910	34,675	2,447
1936	2,767,648	1,471,401	275,142	18.7	238,195	35,358	2,189
1940	2,832,961	1,555,369	294,219	18.9	250,726	42,184	1,309
1944	2,952,961	1,625,369	244,743	15.1	198,918	44,540	1,285

* Adjusted on basis of census in other than census years. Woman suffrage began in 1920.

PERSONAL AND EDITORIAL COMMENT ON THE POLL TAX

Below is a representative, but not exhaustive, exhibit of personal and editorial comment on the poll tax during the last few years. Although predominantly in favor of outright repeal, some statements favor reduction of the cumulative requirement from twenty-four to from one to four years, and some urge retention of the present poll tax provisions.

Editorial expressions reflect a rapidly growing sentiment in favor of electoral reform from many angles. Newspapers which have favored poll tax repeal within recent years but which are not quoted here are the Anniston Times, Attalla Press, Baldwin Times, Decatur Daily, Franklin County Times, Montevallo Times, Pickens County Herald, and the Roanoke Leader. Newspapers favoring repeal or reform represent a circulation of approximately 450,000.

A. POLITICAL LEADERS

Thomas Jefferson: "The government of Great Britain has been corrupted because but one man in 10 has a right to vote for members of parliament. The sellers of government, therefore, get nine-tenths of their price clear. **It has been thought corruption is restrained by confining the right of suffroge to a few of the wealthier of the people; but it would be more effectually restrained by an extension of that right to such numbers as would bid defiance to the means of corruption."**

Franklin D. Roosevelt: "I have opposed the poll tax all my life."

"The right to vote must be open to all our citizens without tax or artificial restriction of any kind."

Governor Chauncey Sparks: "In my judgment, the cumulative feature ....is a deterrent to the exercise of the franchise by many of our best people. Many of our citizens neglect or forget to pay their poll tax. Several successive years of neglect or forgetfulness pile up a real barrier.

"The poll tax is not a qualification to vote, but rather a 'condition precedent' to use of the ballot. The procedure through which the ballot is kept pure is registration, not payment of the poll tax". (In his message to the Legislature, May 1, as reported in the Montgomery Advertiser, May 2, 1945.)

Senator John Tyler Morgan: "Without suffrage, the new system had no possible means of expressing the sovereign will of the people in laws and their enforcement by executive and judicial authority. These necessary agents of the government, by and for the people, can only be chosen by voters; and voters could only be created by law, not by inheritance. These voters are chosen representatives to perform the single function of electing the lawful officers of government. The trust confided to them is personal and can neither be sold, delegated nor transmitted by inheritance or by will to any other person. It is this quality of non-transmissibility that distinquishes it from the regal form of inheritable power and marks the line of the impassable gulf between regal government and democratic government. **The voters, as a class, or body, have certain physical conditions such as age and sex that are necessary qualifications and certain moral and political qualifications that are personal and independent of heritable blood.** To make blood the medium of transmitting the electoral power from father to son is to uproot from its foundations, the whole system of democratic government, and to reinstate the system and form of regal government . . . The transmission of the electoral power by the blood of inheritance from father to son, would destroy all distinction between regal government and democracy, and would throw the door wide open for a return to the system that the American revolution abolished . . ." (Quoted by Atticus Mullin in the Montgomery Advertiser, March 28, 1945.). Note: Morgan was a member of the Constitutional Convention of 1861 and served as United States Senator from 1877 to 1907.

Senator John H. Bankhead: "As far as I'm concerned, it's a matter of State decision and I leave it to the State without comment." (Quoted by Atticus Mullin in The Montgomery Advertiser, February 16, 1945).

Senator Lister Hill: "The poll tax in Alabama must go. The present law is the most burdensome, restrictive, indefensible and un-Democratic of that of any State because of its cumulative provisions. In Alabama we have exempted the members of the armed forces in World War I and in the present World War, but the mother of a boy on a fighting front may have to go back and pay $36 to cast her vote and have her say as to what kind of government and nation her boy is fighting to save. Southern States which have repealed the poll tax have proved the fears of opponents of repeal are groundless. The fitness and eligibility of citizens to vote in Alabama is determined under State registration laws and by county registration boards and not by the poll tax. The effect of the poll tax in Alabama, however, is to disfranchise several hundred thousand white men and women who are fit and qualified to vote. There may be some who wish these white men and women to be disfranchised and want an electorate limited . . . knowing such a limited electorate increases their power and their chances for control of our State and government. **Alabama is one member of the family of the United States and I am confident that it is to her interest to have the approbation and good feeling of the other members of the family which her repeal of the poll tax will bring her. The power to repeal the poll tax rests with the people of Alabama . . . Knowing the Legislature as I do, I am sure that at its forthcoming session in May its members will not deny this right to the people of Alabama."** (Quoted in The Montgomery Advertiser, February 15, 1945).

William C. Fitts (Surviving delegate for Tuscaloosa County. Washington, D. C., Oct. 24, 1942): **"People deprived of representation in the lawmaking branch of their government are deprived of the prime essential element of freedom. Just words about four freedoms are empty in their ears, when the one freedom on which all others are dependent is withheld."** (Letter in the Montgomery Advertiser, October 27, 1942)

Judge Walter B. Jones: "So, as we look upon the movement to repeal poll taxes in Alabama we find that the poll tax system has worked well in the past; it has kept a mass of unworthy people away from the polls, and it has placed several million dollars in the treasury for the purpose of educating the future voters of the State.

"Those who urge the repeal of this poll tax, and who talk of "Alabama's voteless thousands", "the political rule of a privileged minority", "the poll tax undermining democracy," and similar clap-trap, offer the State one thing in exchange for repeal of the poll tax: the hope that there will be a large number of voters to go to the polls and take part in public elections. And that hope at best is based on speculation and conjecture.

"Assume that the repeal of the poll tax requirement is accomplished, and that a larger percent of the voting population qualifies to vote and goes to the polls, then have we any assurance that this increase in the electorate will be of the highest type of citizenship? Have we any reason to believe that they will be intelligent and capable of wisely exercising the franchise?" . . . .

"The contention that the mere payment of a poll tax keeps people away from the polls can only be sustained by conjecture and speculation. **For instance, we have in Alabama today, certainly not less than 20,000 Negroes who served as soldiers in the last World War. Under the law they are not required to pay a poll tax in order to vote, they are exempted by the Constitution; but I doubt if as many as two hundred of these Negro war veterans have ever taken the trouble to vote.** Certainly, as far as they are concerned, something besides the payment of a poll tax keeps them away from the polls, because they do not have to pay a poll tax." ("Constitutional Convention of 1901 and Poll Taxes", The Alabama Lawyer, January, 1943)

Senator Richard Kelly, (Sylacauga): "A man or woman who has no more interest in education than $1.50 represents for 24 years of their life ought not to vote. A man or woman who has children ought to be happy and willing to pay that small sum into the treasury for the education of the children they have, the children they may expect or the children of their neighbors. And another thing, I don't want to be dragooned into doing something. If they would let us alone up North we would settle this question and settle it right". (Quoted by Atticus Mullin, in The Montgomery Advertiser, February 16, 1945).

B. COLUMNISTS

Charles N. Feidelson: "What is the real issue? It grows out of the fact that our politicians prefer to keep the electorate as small as possible. As things stands, the problem of getting themselves and their friends elected is fairly manageable. But with the poll tax eliminated, they would have to take cognizance of a great body of new voters—mainly whites and only incidentally Negroes. It is only too plain that the poll tax, made specifically obnoxious in this state by its cumulative feature, is shutting out of full democratic action a vast army of white Alabamians. That is the purpose of the poll tax, according to one school of thought, which contends that it was placed in the constitution in 1901 at a time when reactionary interests were still reeling under the impact of the agrarian revolt. The Populist movement, it is pointed out, had thrown conservatives into a dither. Something simply had to be done to keep these wild men and wilder ideas from causing more trouble. So the one-gallus farmer and the underpaid workers were attacked at their weak point—their pocketbook. Under this theory, talk of "white supremacy" has all along been so much camouflage hiding the actual motivation of those who benefit from restricted suffrage. Be that as it may, the fact is that the slogan no longer fools anyone. The fact is, furthermore, that sentiment in Alabama against the poll tax has grown so formidable that politicians are beginning to worry. There is little likelihood that the present Legislature will remove the tax. Gov. Sparks has given no sign of being interested in the subject. Why, then, are the poll taxers so disquieted? What have they to fear? They are afraid that Georgia's elimination of the poll tax will steel public opinion in Alabama into an incoercible demand for similar action in this state." (The Birmingham News, February 9, 1945).

John Temple Graves, II: "The right to vote, it seems to us, should not depend upon whether a man has a dollar or so. It should depend upon his possession of the minimum of education without which voting can be a blind and vicious thing. The voting test in Alabama should be not dollars but sense!" (The Birmingham Age-Herald, November 10, 1938).

Atticus Mullin: "The poll tax abolition will not result in negroes voting in Alabama any more than they are now voting. The poll tax abolition will not result in rag time irresponsible white people voting any more than they now vote. Other Southern States have abolished the poll tax and they have suffered no ill consequences. As a matter of fact, there are quite a number of ignorant, dull, shiftless whites in Alabama who are disfranchised, both because of the registration laws and the poll tax. They probably outnumber the negroes who are so disfranchised. Neither ought to be allowed to vote per se, but both ought to be allowed to vote when they are ready to assume their full responsibility as citizens." (The Montgomery Advertiser, February 20, 1945).

C. CITIZENS

Jesse B. Hearin, Montgomery: "In our attempt to maintain white supremacy, with which the poll tax has nothing whatever to do, we have unwittingly discouraged and disfranchised thousands of honest white men and now only a small, smug, scant segment of our population exercises the privilege of voting. Surely this is not the kind of democracy we fight for. Our neighboring State, Mississippi, with 800,000 fewer white people than Alabama, polls nearly 100,000 more votes in the white primary than Alabama. Mississippi requires only two years' poll tax and does not have many of the disqualifying reasons found in our Constitution to deprive one of his franchise. Louisiana with no poll tax whatever and with 500,000 fewer white people than Alabama maintains white supremacy and polls from 150,000 to 200,000 more votes in the Democratic white primary than we poll in the great State of Alabama. **We vigorously deny the right of Ohio, New York, Pennsylvania or any other State to meddle with our poll tax or franchise; but surely we people of Alabama must realize that we, in good sense and good morals, must ourselves do away with an archaic, unnecessary, undemocratic, clumsy, fussy poll tax. We owe this to our own people. We owe it to our place in the world of democracy.** I am an orthodox Southerner, a son of the Confederacy, and a Black Belt voter, but I am

an American and I am also a Democrat. **My sons, along with the sons of other Alabamians, fight for world-wide democracy, for freedom of thought, freedom of expression by word of mouth or by ballot. It is about time that we opened the doors of democracy and opportunity to our own people in Alabama. The poll tax belongs to another age. It belongs to a line of thought and reason that is not consistent with the philosophy of modern democracy. We belong to Today and to Tomorrow and not to Yesterday. We belong to a progressive, moral, democratic age where our men in general, can work together, walk together, fight together, and vote together."** ("Alabama's poll Tax", The Montgomery Advertiser, August 3, 1944).

Thos. J. Robinson: "Democratic Chairman McCorvey says to repeal the poll tax would "open the flood-gates to radical elements . . ." **What radical elements have we in Alabama that are barred from voting by the poll tax? It is always the honest poor man who is disfranchised by the poll tax. A man whose vote is for sale can always find some one to pay his poll tax. The more free and independent votes we have the harder it will be for machine politicians to control elections. Of all the poll tax laws in the statute books Alabama's is the most iniquitous.** In Mississippi if a man fails to pay his poll tax he forfeits his right to vote for one year. But in Alabama he has to pay the accumulated taxes of all the years he has failed to vote or he is disfranchised for life. To a politician any man is radical and dangerous if he is on the other side. From the trend of the last few elections the radical element is gaining. We elected one for President in 1932 and like him so well he is still there. They elected one for Governor of Georgia, and now they are seriously considering changing the state constitution so they can elect him again. Who knows, we may some day elect a radical Governor of Alabama, with a radical Senate, a radical House and radical courts, and invite the whole world to a radical state where the poorest man's rights are sacred..." (Letter to the Editor, The Montgomery Advertiser, February 23, 1945).

Lee M. House, U.S.N., Norfolk, Va.: "I am writing you to enter a protest to the way the service men from Alabama are treated in regard to voting. I entered active service at Birmingham Feb. 12, 1942. Up to that time I paid my poll tax each year, and I voted at each election. I wrote this year for a ballot and was refused one for I had not paid the poll tax for 1942 and 1943, and was advised that this tax would be forgiven after Nov. 4, 1944. In other words, if I live I could vote in the elections in 1948. When the tax was due to be paid in 1942, for part of that time I was in the invasion of Africa and part of that time I was on a raft in the Atlantic praying to get back to the state that I had offered my life for but cannot vote in. How could I be expected to be lined up at the courthouse in Birmingham at that time? Today I mailed the poll tax that is due for when they become due again I might be on another raft and the mail service is mighty slow out there and I do not feel that I would like for the state to forgive me the $3 taxes." (Letter to the Editor of The News-Age-Herald, May 7, 1944).

A. Whaley, Andalusia: "With the poll tax ramifications eliminated, there are still all the safety provisions for taking care of the necessary intelligent, educational and other character attributes necessary for a splendid American setup of qualified voters. Only some six states now have this poll or head tax condition requisite to casting the vote in elections and to participate in all other political angles which Americans and Alabamians participate in occasionally. Both major parties have gone on record against the voting angle of this poll tax; Alabama has the leadership in the United States Senate, to wit, Hon. Lister Hill; if we expect to lead we must pay the fiddler." (Letter to the Editor, The Birmingham News, March 7, 1945).

D. ON NEGROES VOTING

Emory O. Jackson, Managing Editor, Birmingham World: "On Dec. 13 they (Jefferson County Board of Registrars) refused a (Negro) teacher registration because she could not explain to their unreasonable satisfaction the phrase, "Domestic Tranquillity". Such a question has absolutely nothing to do with one's qualification for voting. On Dec. 9 they refused two women who presented evidence that their husbands own and pay tax on property valued at more than $300. On the same day they refused a World War I veteran who presented his honorable discharge from the Army. One is not

accepted for military service unless he can fulfill literacy requirements. Hence no reasonable board would require evidence of literacy better than that which has the authority of the United States government behind it. May I submit that for a full hour on December 14 the registrars stalled by watching the clock, which appeared to be an obviously deliberate attempt to keep from getting to the applicants. It was apparent that someone attempted to get the impression of a disturbance occurring, as a person identified as being from the sheriff's office came on the scene. The registrar's office opens at 8:30 a. m. and closes at 4:30 p. m., which allows little time for war workers and school teachers to get there to register. Registration periods are usually 10 days long. School teachers came from Rosedale High, Brighton High, Hooper City High and some from the city schools. They do not get out of school until 3:45 and therefore had to rush to get to the office before it closed. . . . As an accredited newspaper reporter, I have submitted in writing a request for registration statistics which are public records, but each time I am denied this information. I write this with the hope that it will lead to a thorough investigation of our registration system." (Letter to the Editor, The Birmingham News, December 19, 1944).

D. C. Whitsett, Minister, St. Mark's Methodist Church, Montgomery: "Your editorial this morning on "The Poll Tax Test" was good and true in content but what you didn't say speaks volumes. **Abolition of the poll tax will not bring in the Utopia but it will remove certain obstacles to the development of democracy. The issue is embarrassing because "outsiders" are interested in the democracy of eight Southern States like we are in democracy in India.** Wouldn't it be wonderful if some one "insider" would be intellectually honest and Christian enough to face the facts as they are and urge that we do something about it. Florida and Louisiana have eliminated the poll tax and Tennessee has tried . . . Last year one of the leading business men in Montgomery and I were requested to "sign" for a Negro to vote. Not because he couldn't sign his name but because of his color. He is a graduate of Tuskegee, has his Masters degree and has almost completed his work for a Ph.D. at the University of Chicago. He is a minister in our city, director of the USO for Negroes, former teacher at State Teachers' College, but all this did not "qualify" him to vote. After he was reluctantly registered by the board of registration the chairman said to us, "I'll approve him but don't ever bring this class person here again." In spite of insulting remarks the Negro didn't open his mouth and later said, "I'm sorry I caused you embarrassment." **It would be good for democracy and for our souls for some one who was born and reared in the South to take the lead in removing this stigma on our political system . . . Mr. Editor, we feel it would be a fine contribution if Grandma would lead out in The Cradle of the Confederacy until the faith we preach and the ideals for which we fight have become a reality. Yes, the poll tax question is a test; it is a test of our liberality; a test of our willingness to enter the world revolution progressively; a test to the fairness of our treatment of the poor of the South; a test of our belief in the rights of an individual regardless of color; a test of our willingness to apply the freedom at home; and a test of our sincerity in the application of democracy."** (Letter to the Editor, The Montgomery Advertiser, November 1, 1943)

E. EDITORIAL COMMENT

THE ALEXANDER CITY OUTLOOK

"In our opinion, if Alabama should abolish the poll tax, the State Legislature should not abolish it outright. They should take the first step by abolishing all but three years. This method would give hundreds of citizens who are in arrears several years the privilege of paying three years back poll tax and the current year for $6.00. This extra money is needed by the schools and it would also give many women who have never paid poll tax the opportunity of voting at only a small cost." (Quoted in Lee County Bulletin, February 22, 1945)

ALABAMA COURIER (Athens)

Poll Tax To Be Up.—". . . Some change in the present law seems to us wise and necessary at this time. **The cumulative feature of the present**

law makes it extremely expensive for anyone to vote who has not kept his poll tax paid up over the years . . . At least, we feel this part of the law should be changed so that payment of current taxes would entitle a qualified citixen to vote.

"It will be only a matter of time until the poll tax law is repealed as a whole. Some will disagree with this statement, but we make that prediction and believe that the time is not far off. Whether the people of the state are ready now for this step may be brought out in the next few months." (Quoted in The Birmingham News, March 5, 1945)

ALABAMA JOURNAL

Besides The Poll Tax.—"Propagandists who create the impression that a state which abolishes its poll tax throws open the ballot boxes to everybody are due for an awakening. It has suited their purpose to build up the fiction that only the poll tax is what bars the disfranchised in the Southern states. It has been represented that the recent action of the Georgia legislature in doing away with the poll tax heralded a field day for all who wanted to swarm to the polls. The Memphis Commercial Appeal which is one of the influential Southern newspaper advocates of poll tax abolition by state action sets the record straight in these words:

" 'Gov. Ellis Arnall of Georgia has recently made it clear that the state's repeal of the poll tax as a requisite for voting did not mean that all bars to the casting of the ballot had been removed. According to the new statute, the prospective voter must pass a literacy test. The person who wants to register must, if called on to do so, prove that he can read any designated paragraph of either the State or Federal Constitution. He must also be prepared to write from the dictation of a registrar any paragraph selected from either one of the aforesaid documents . . .

" '. . . As we have said before, Georgia did well to get rid of the poll tax for various reasons, and it did equally well to substitute other requirements for the safe-guarding of the ballot.' " (March 17,1945)

ANNISTON STAR

Poll Tax Is Doomed.—"It is pleasing to note that an antipoll tax bill will be introduced in the Alabama Legislature when it convenes next May, as the indications are that Alabama and Mississippi will be left practically alone as poll tax bitter-enders if we cling to the outdated and undemocratic impost. For the State of South Carolina has just voted almost unanimously to repeal the tax in that state, with the indications being that the House will go along, and sentiment against the tax is growing throughout the South.

". . . As a matter of fact, the franchise law was opposed by Morgan, ex-Govs. Jones and Oates; Frank S. White, later to become a senator; George P. Harrison, H. S. Dent and scores of other students of government. They not only regarded the tax as unconstitutional, but believed that it would establish "a permanent hereditary governing class, which is undemocratic, unrepublican and un-American." . . .

"Their contention that the law would be impractical of administration and that it would foster sectional animosities has been verified, as has their belief that many white voters of the state would be disfranchised along with the Negroes. 'We adhere firmly to the Jacksonian doctrine of equal rights to all, special privileges to none,' they stated in a minority report to the constitutional convention . . . ." (Quoted in The Birmingham News, March 15. 1945)

What About The Poll Tax?—'. . . In 1920, 21.1 per cent of Alabama's eligible voters actually went to the polls; in 1924, 13.4 per cent; 1928, 19.1 percent, 1932, 17.7 per cent; 1936, 19.3 per cent, and in 1940, 18.9 per cent.

"To anyone who believes deeply in the democratic way of life, consideration of these figures brings alarm . . . . And where only 20 per cent of the eligible voters bother to go to the polls, the government could hardly be called representative of all of the people.

"The fundamental cause of the trouble can of course, as always, be traced back to the individual—the people who don't think their vote is important enough to make any difference. **But there is also the question**

of the poll tax to be considered. Statistics show that of the nine states where less than one-third of the potential votes is cast, eight are poll tax states. In only two states where there is no poll tax did fewer than half of the potential voters go to the polls. There is no way to argue with figures." (Quoted in The Birmingham News-Age-Herald, December 31, 1944)

THE AUBURN PLAINSMAN

In Answer to the Judge.—" . . . Judge Jones based almost his entire poll tax argument on the contention that the ballot is not a right but a political privilege that can be granted, limited, or withheld.

"No better answer could be given to this stand than that made by Neal Davis, editor of the **Lee County Bulletin,** in his yesterday's issue:

> 'If this be true, and perhaps it is, who has the right to grant this privilege in a democracy? Of course, in Germany, the Nazi Party and its dictator have the right. In Russia, the Communist Party has the right. But in the democracy, who has the right? In a democratic society the people are supposed to have the right to govern themselves. If the people govern themselves, how can they do this except through the ballot?**In brief, it is fundamental to a democracy that the people have the ballot; the extent to which certain members of society are deprived of the ballot determines the extent to which democracy has been curtailed. In a state like Alabama, in which the ballot is given to ten per cent of the population, we might say that we have gone one-tenth of the way toward democracy . . . .'"** (April 19, 1940)

THE BIRMINGHAM AGE-HERALD

Poll Tax Legislation—"It is gratifying that Gov. Sparks apparently is at least considering a recommendation to the Legislature looking to the abolition of the poll tax. That means that the governor has advanced beyond the position he took last Fall when he announced that he would do nothing in this connection so long as 'outside influence' was a factor in the situation. The governor has evidently come to see that if a thing deserves being done, the fact that it has disagreeable advocates is of secondary, if any, consequence . . . **If we want to be sure of not being forced by federal action to get rid of the poll tax, we must make federal action unnecessary.** Now that Georgia has cast aside the encumbrance, now that in states like North Carolina, Florida and Louisiana, the poll tax is dead without causing the heavens to fall, now that in Alabama and outside condemnation of the poll tax is rising to new heights, the 1945 Legislature may well seize the opportunity to clear the way for removal from the constitution of this money limitation on the right to vote." (March 23, 1945)

THE BIRMINGHAM POST

The Poll Tax—"Like many other controversial issues, the cause of poll tax reform in Alabama has not been helped by some of its more vocal and active supporters.

It is possible, of course, that were it not for the agitation of 'outsiders' we might never act, but their activity at the same time has furnished opponents of the reform with some of their most effective arguments.

It will be difficult for the coming session of the Legislature to consider the poll tax in an atmosphere of calm reasonableness, but if the representatives of the people of Georgia can do it then there is room for hope.

No one will debate the fact that the poll tax is a barrier to voting but anyone who has taken the time to examine it closely must agree that if fails to accomplish that for which it was designed and, by reducing the size of the electorate, may be far more costly than it is worth.

The voting of citizens not qualified to cast their ballot intelligently can be restricted without the poll tax. Since that is true why not do away with that tax entirely? It plays not only into the hands of the political manipulator at home but furnishes a burning issue for those outside Alabama who find it profitable to smear our name." (March 20, 1945)

Sparks and Poll Tax.—". . . The chief executive can hardly expect citizens of other parts of the country, having convictions on such a basic question, to be uninterested in how we deal with it. Whether any such have unduly interjected themselves into Alabama's affairs is a matter of opinion, but whether or not they have, the state's own right and duty to handle the matter on its own responsibility and as it sees fit have not been altered . . .

"Gov. Sparks' attitude will be very influential, perhaps decisive, when the time for definitive action comes. We hope he will see the issue in the light of its broadest meanings. If he does reform probably will be assured." (March 23, 1945)

Facts on the Poll Tax.—". . . **If the poll tax is wrong in principle, it should be abolished by the states. But because the tax is under fire, those states where it exists have an obligation to reappraise it. Theirs is the responsibility of scrutinizing the tax anew to see whether it justifies its existence.**

"That calls for facts, calmly collected and considered. Emotions are aroused on both sides of this question, but there are plenty of able and intelligent persons in the South who could carry out a thorough and objective study of the poll tax.

"As one of the states where a poll tax is collected, and as the state with perhaps the most burdensome tax of that sort, Alabama should be greatly interested in Governor Arnall's plan. Nothing can be lost by a factual appraisal of the poll tax, and much is to be gained by it. It would tend to take the question out of the realm of prejudice into the realm or reason, where all public questions should be decided." (December 12, 1944)

Invalid Arguments Against Poll Reform.—"The Montgomery County Board of Registrars has gone on record opposing reform of Alabama's poll tax laws, and three arguments are advanced in support of the board's position:

1. Reform would result in flooding the poll rolls with undesirable voters.

2. It would be unfair to those voters who have paid the $1.50 tax each year.

3. The schools of the state would lose heavily if the tax is made non-cumulative.

"In the first place, believers in democracy will ask who are "undesirable" voters, and does inability or failure to pay the tax constitute evidence of undesirability?

"A pamphlet prepared by the Alabama Women's Joint Legislative Council says that **"democracy is based on the belief in the soundness of the judgment of a majority and on the right of all to have representation in the government which taxes them. . . . Payment of $1.50 a year is no guarantee of intelligence."**

"As for the fairness of abolishing the cumulative features of the poll tax, it must be presumed that those who have paid the tax in the past have received their money's worth, else they would not have paid it. To put the tax on a fairer basis would be to give the same advantage to everyone. Is it fair to make an individual pay six years back poll tax in order to vote once? . . .

"Should the cumulative features of the tax be eliminated, there is every reason to expect that the net revenue to the schools would be increased, since a greater number of citizens would be encouraged to participate.

"Among the reasons for the widespread demand on the part of women's organizations for poll tax reform is the conviction that many wives are disfranchised under the present system. It is true that in many families the poll tax is paid regularly by the husband for himself, but the expense involved in paying back poll taxes—often accumulated before marriage or before the wife began to take an active interest in government—is considered too great." (January 13, 1939)

Teachers and Poll Tax.—'It will mean more to education in Alabama to have the citizens we have trained take part in settling of political questions than to receive the pittance from the tax and then see the vital matters of the state decided by only 10 to 30 per cent of the people, many of whom have been prodded by political leaders to dig up the price of the tax." (February 23, 1945)

CULLMAN BANNER

Why Beat Around the Bush?—". . . When any intelligent, forthright citizen courageously presents recommendations which would remove this stench from the past record of the great State of Alabama, he is immediately attacked by the so-called Black Belters, who can see nothing but the unmentionable Negro question. **It seems to us that they are acknowledging a weakness and lack of intelligence that have not been theirs in running the state government of Alabama in the past. They have successfully dominated this great state of white electors with a small voting population for such a long period that few remember when the great northern voting counties had any representation or acknowledgement in our capital city.** Why then should a small problem like Negroes' voting trouble these master politicians who have so clearly managed to manipulate and run the entire state? . . . It will take men with guts, honor, devotion and loyalty, such as is being displayed daily by men of every class, color and creed in our fighting forces, to stand up and fight in the face of blasphemy which will be hurled at them by the same crowd that has been entrenched in Montgomery so long that they have successfully overridden the Constitution of Alabama and fought off a reapportionment of our Legislature which our state laws have required for a period of over 20 years. We hope and trust that such men will be found and that a champion will seize the torch and take the lead." (Quoted in The Birmingham News, February 26, 1945)

CULLMAN TRIBUNE

"Sad are the accounts throughout history of people who have been forced to live in slavery; sadder are the reports of the cruelties being suffered by innocent humanity in the war torn areas of the world; saddest are the stories we hear from time to time about folks right here in Cullman County, folks who sold their privilege of voting last year to politically-minded persons for a measley dollar and half worth of poll tax." (Quoted in Lee County Bulletin, July 17, 1941)

"And now the die-hard polltaxers of Alabama are becoming disturbed by the talk that Governor Chauncey Sparks might lead a vigorous fight against the un-American suffrage law. (March 29, 1945)

DeKALB TIMES (Fort Payne)

The poll tax.—'" . . . **We've expressed the opinion many times that the poll tax should be done away with in Alabama,** but so long as it remains unabolished every citizen required to pay it in order to vote should meet that condition every year." (Quoted in The Birmingham News, November 25, 1944)

"For Poll Tax Repeal".—"Senator Hill is not the only member of Alabama's delegation in Congress who favors abolition of the state's poll tax. Congressmen Sparkman, Patrick and Rains also favor poll tax repeal. We are particularly glad to say that our own Fifth District is represented by a congressman who has the courage to state publicly that he favors this forward step in our state." (Quoted in The Birmingham News, March 8, 1945)

DOTHAN EAGLE

Sentiment Growing.—". . . the number of Alabamians who are urging repeal is growing daily and taking in some of our most level-headed and most loyal citizens. They are sincere in their belief it would be the best for Alabama if the poll tax is discarded, and they believe the right time is now so that meddling will cease.

"We hope that sentiment within Alabama to abolish this tax continues to grow and spread as it has in recent weeks, and that the proper leadership to put this legislation over will appear. With wise leadership a family fight within the state can be avoided and repeal of this old law can be accomplished on our own initiative.

"It is time that opponents of repeal rise above their old attitude of insisting that the tax continue solely because outsiders want it abolished. They are now fighting against their own people, fellow citizens who believe the tax serves no good purpose and want it repealed primarily for that reason, and secondly to halt the unjust and highly vocal tirades against the good name of this state." (Quoted in The Birmingham News, March 21, 1945)

Second Choice.—". . . However, we are not so naive as to believe repeal of the law will be accomplished any time soon, even though there is growing sentiment in the state for outright repeal. **Yet some day repeal is coming, and when it does it will be on the initiative of the Alabamians.**

"Until then cancellation of taxes down to a reasonable figure like $3 would be better than nothing. It would be, in effect, a compromise between advocates of repeal and those who insist stubbornly that the tax law be left as it is. Next to repeal, we would like to see such a compromise become law.

"It would increase Alabama's voting strength and that would be politically healthful for the state. There are many voters now disqualified because they owe past due poll taxes, whose total ranges from several dollars on up to $36, with the average probably $9 or $10. If they had the opportunity to straighten these accounts by paying only $3—for two years—the majority of them would gladly do so." (Quoted in The Birmingham News, February 9, 1945)

GREENVILLE ADVOCATE

The Poll Tax.—" . . . This newspaper has always inclined toward payment of poll tax, feeling that the vote is a privilege and should be worth $1.50 to any person. **On the other hand, we fear that there may be some people who consider the $1.50 to be worth the vote and are willing for political friends to have a share in marking the ballot in return for paying the poll tax for them".** (Quoted in The Birmingham News, February 28, 1945)

THE GROVE HILL DEMOCRAT

Setting George Right.—"We frequently see that statement by advocates of poll tax repeal that some Southern states have rescinded this provision as a requisite to voting. This is true. Louisiana and Tennessee have, but their records in recent elections would hardly qualify them as models. **It is a condition and not a theory which we have to face in this matter of granting the franchise to the unfit."** (Quoted in The Lee County Bulletin, June 19, 1941)

JASPER ADVERTISER

The Poll Tax Issue.—". . . We have exempted in Alabama all members of the armed forces in World War I and in the present war. We have exempted those over 45. There are several ways of looking at it. The man who stayed at home and worked in a war plant, or helped win the war by working on a farm, has some claim for poll-tax exemption. If you are going to exempt most of the men, then will we continue to discriminate against the women voters by taxing them?

"Essentially, it can be summed up in the fact that the poll tax is undemocratic . . ." (Quoted in The Birmingham News, March 12, 1945)

LEE COUNTY BULLETIN

Ellis Arnall's Snowball.—"An unsubstantiated report from Montgomery by the Associated Press last week posed the possibility that Governor Chauncey Sparks might ask the Legislature to recommend repeal of Alabama's poll tax.

"The AP story further said that such rumors were heard in capital corridors today, but the governor himself refused to comment. High administration leaders expressed themselves in favor of poll tax repeal,

which gave credence to the reports from the governor's inner circle.'

" . . . Even in Virginia, Senator Byrd's bailiwick, there is positive talk of poll tax repeal . . .

"Seems as though Georgia's Governor Ellis Arnall may have started rolling a snow ball. After all it would be a bit embarrassing to be the last state in the nation to repeal the poll tax". (March 29, 1945)

Poll Tax Repeal.—"Senator Hill's sound, forthright case against the outmoded poll tax law cannot help but have the effect of rallying much support to the campaign to make Alabama's election laws more democratic. **As this progressive Alabamian said, "The Alabama poll tax, because of its cumulative requirements, is the most burdensome, restrictive, indefensible and undemocratic of that of any state." It disfranchises several hundred thousand potential citizens who are 'fit and qualified to vote'. Any law which has this effect has no place in a democratic society.**

". . . A money qualification is one which properly should not be taken into account in deciding who shall vote. Any tax which limits exercise of the franchise is undemocratic; that is the question." (February 22, 1945) (February 22, 1945)

Poll Tax Doomed.—". . . That old hack which says a person not interested enough in voting to pay $1.50 ought not to vote anyway, simply is not valid. There is no price on the exercise of a democratic right. It is not a privilege, but a right of a free man to have a hand in determining his governors.

"But there are no literacy tests. There is no genuine qualification. One must only have the money at the right time, and be at the proper place at precisely the proper time, if he desires to cast his vote six to 12 months thereafter . . ." (December 17, 1942)

"The Greenville Advocate says: 'Pity the poor fellow who forgot to pay his poll tax, and now faces two primaries and a general election without the privilege of casting a vote agin anybody.'

"Wetumpka Herald: 'And we pity the poor fellow who forgot to get some candidate to pay his poll tax and now faces two primaries and a general election without the privilege of selling his vote to anybody'. (Quoted in the Lee County Bulletin, February 19, 1942)

"Lee County Bulletin; 'Pity the poor fellow who didn't have enough to pay his poll tax, because now he can't vote against the fellows who keep the poll tax so they won't have to contend with a vote they can't buy.' Do you get it?" (Lee County Bulletin, February 19, 1942)

Sales Counter Democracy.—". . . In a democracy voting is more than a privilege; it is a duty . . . The people must be encouraged to exercise their right and duty; they must be urged to take an interest in government, and cast their ballots for the right as they see it. They are not likely to accept this responsibility as long as the privilege of voting must be bought by the payment of $1.50 in poll taxes each year—or $15 or $30 if they have not been voting in the past . . .

"In Alabama not more than one person out of ten votes, even after the most heated campaign. In some states the ratio is higher than one out of three. Here, largely because of the cumulative poll tax, we allow ten per cent of the population to control our government and then call our state a democracy . . ." (January 19, 1939)

THE MONTGOMERY ADVERTISER

Lister Hill.—"It becomes increasingly clear to the people of Alabama that they have, in Senator Lister Hill, a liberal representative who is admired and respected by liberal opinion everwhere . . .

"The cumulative provision of the poll tax law is indeed burdensome, and everybody knows that it has kept many intelligent citizens from voting in Alabama . . .

"Mr. Hill has given the people of this great State, and particularly the members of the Legislature, something to think about." (February 9, 1945)

Custer's Last Stand.—". . . But if poll tax reform must come, as it appears it must, then we shall prefer to initiate such reform rather than have it imposed upon us.

"Regardless of the merits of the controversy it would seem that a gradual elimination of the poll tax is a logical and inevitable step along the long road to democracy . . ." (May 26, 1944)

The Poll Tax Test.—". . . On the other hand, our state poll tax payment is a very simple and a quite effective measurement of the main qualities desired in a sovereign voter.

"Let's think for a moment of the Alabama poll tax as a test for fitness . . .

"What does the poll tax test? . . . The poll tax actually tests thoughtfullness-at-the-right-time and continuing interest. A man who is extremely ignorant and not much interested in good government simply cannot remember, cannot think, to pay his $1.50 between October 1 and February 1. Thereby the public is protected against his ignorant and purposeless ballot.

"If the poll tax is abolished, then the legislature must adopt some other standard of measurement for voters. The value of the existing plan is its extreme simplicity and ease of administration. A better but far more complex, difficult and expensive standard will be a comprehensive educational and character record as a basis for getting on the qualified list." (October 29, 1943)

Gov. Dixon and Alabama's Poll Tax.—". . . A system which permitted poll taxes to accumulate for ten or fifteen years, and then required payment of all back taxes before a man could become a voter, shocked his sense of justice, just as it shocks the sense of justice of most men who have given the subject serious thought . . .

"It is not a matter for Congressional handling. Whatever is necessary to be done about the poll tax should be done by the Legislature of Alabama as the elected representatives of the people of this state." (October 7, 1942)

Tell Me Thy Company.—"There were two principal contentions in the original Watchman (Greensboro) editorial.

"First: The poll tax is the ultimate Maginot Line behind which the South of today and yesterday finds refuge.

Second: That the landed gentry of this economically sick land have a vested interest in the people who till the land by gracious dispensation. . ."

"The Advertiser believes present poll tax laws are inimicable to popular democracy and should be reformed. How completely they should be reformed is somewhat questionable, but the fact remains that Alabama has not made any reform of any sort since the adoption of the 1901 constitution.

"The Advertiser does not believe that landowners, no matter how powerful they might be in wealth and political influence, have the slightest vested interest in the men they hire, on shares or salary, to till the land they own." (July 13, 1941)

SOUTHERN WATCHMAN (Greensboro)

Poll Tax Issue Phony.—"Reader's Digest, a sound, reputable magazine, quotes excerpts from Freling Foster's department, "Keep Up With the World." One of these excerpts is:

'Of the 10,000,000 Americans who are unable to vote because of poll taxes, at least 6,000,000 are white citizens.'

"That is a false statement, bearing not even a remote touch of the truth.

"There is not a man or woman in America 'unable to vote' because of poll taxes, unless that person be a pauper, and we have virtually no paupers with us today. The poll tax in Alabama is regarded as the most severe in the South. It is $1.50 per year. This $1.50—every copper cent of it—goes to the schools. Not a dime is deducted even for collection purposes.

Is there any man or woman in America, any child, any infant, who does not pay at least $1.50 a year in the form of other taxes—not only taxes on income and property but on food and clothing and everything else—without squabbling. The man who buys a quart of whisky pays more in taxes alone on that one bottle than he would pay on his entire poll tax for a year. The parent who feeds a child in Alabama pays far more a year on sales taxes alone on that child's food than he does for his own poll tax to educate that child and, incidentally, qualify as a voter.

"There are perhaps thousands of Americans, both white and black, who do not want to vote badly enough to pay $1.50, but to say that they are unable to vote because of the poll tax is to utter a deliberate and apparent falsehood. They simply had rather spend $1.50 on a dinner—and it wouldn't be a big one these days—or on the movies, or on an extra pair of hose, or for a bright necktie, or even in a crap game than pay it in for the education of our children. The only man or woman "unable to vote" because of the poll tax is the pauper, and in many states, the persons who takes a pauper's oath automatically disfranchises himself, so even the handful of paupers among us mean little or nothing when it comes to the poll tax. The anti-poll tax issue is a phony issue, trumped up by a bunch of political fakers. It is an amazing thing that so many decent Americans fall for it." (Quoted in The Alabama Journal, December 12, 1944)

SYLACAUGA NEWS

The Poll Tax Question.—". . . We agree with Senator Hill—or vice versa—that the time has come for Alabama to remove the prejudice-inspired, antiquated law from its statute books . . .

". . . the present Legislature is one of our best, an admission we have made many times, but if they fail to at this time prepare the way for repeal of the poll tax law, future administrations and future generations might well refer to this era as narrow of thought, prejudiced in judgment and politically complexed.

"It is safe to say that the very great majority of Alabama voters favor repeal." (Quoted in The Birmingham News, February 28, 1945)

Voters in Two States.—"Here are some figures for Alabamians to mull over at their leisure comparing Alabama with North Carolina:

"Population: Alabama 2,832,961; North Carolina, 3,571,623.

"Negro population: Alabama, 983,290; North Carolina 981,298.

"Total vote cast for president last month: Alabama, 243,458; North Carolina, 790,554.

"Total vote cast for Dewey: Alabama. 44,540; North Carolina 263.155.

"Total vote cast for Roosevelt: Alabama, 198,918; North Carolina, 527,399.

"North Carolina long ago got rid of the poll tax as a voting requirement. Can it be possible that this is responsible for the large percentage of the population going to the polls in the state?" (Quoted in The Birmingham News, December 13, 1944)

ALABAMA POLICY COMMITTEE

OFFICERS AND COMMITTEES

Officers: C. B. Smith, Troy, Chairman; Hubert Searcy, Montgomery, Hallie B. Farmer, Montevallo, Roscoe C. Martin, University, Vice-Chairmen; Chas. W. Edwards, Auburn, Secretary-Treasurer.

Executive Committee: I. J. Browder, Montgomery, Chairman; Donald Comer, Birmingham; Loula Dunn, Montgomery; Mrs. A. L. Thomas, Auburn.

OBJECTIVES

1. To encourage the organization of smaller policy groups throughout the State whose purpose will be, in general, the same as those of the larger organizations of which they are parts.

2. To foster enlightened discussion of the social, economic, and political problems peculiar to Alabama as they affect the citizens of Alabama and in relation to the remainder of the South and the Nation.

3. To engage in research and discussion to the end that definite policies may be adopted from time to time for which the organization will strive through its legislative and other appropriate committees.

4. To maintain a well-organized state policy committee which may be called into session when necessary for the consideration of matters pertinent to the welfare of the state.

5. To cooperate with other state organizations for the good of the southern and national organizations as wholes.

The Alabama Policy Committee is a section of the National Policy Committee.

NATIONAL POLICY COMMITTEE

OBJECTIVES

1. To encourage the formation of affiliated groups of responsible citizens whose common desire and purpose are to work towards the development of governmental policies by democratic means on the basis of the general interest rather than of special interests.

2. To supply such groups with concise summaries of the research and opinion of recognized experts and agencies on issues of regional, national and international importance.

3. To stimulate in these groups discussion of questions on which public policy is in the making.

4. To facilitate the exchange of thought and experience between groups in different parts of the country.

5. To encourage the active participation of group members in the democratic process of forming governmental policy in order that such policy may be evolved out of the organic life of the nation itself rather than be determined by pressure groups or governmental agencies.

Bulletins of the Alabama Policy Committee

No. 1. First Alabama Policy Conference. **Organization Conference.** Auburn, August 19, 1936. Addresses include Civil Service, Education, Labor Legislation, Social Security, Farm Tenancy. (Printed. Not available)

No. 2. Second Alabama Conference. **Long Range Planning for Education in Alabama.** Montgomery, October 29, 1936. (Printed)

No. 3. Third Alabama Policy Conference. **Industrial Planning for Alabama.** Birmingham, April 2 and 3, 1937. Printed. Not Available.)

No. 4. Fourth Alabama Policy Conference. **Reports of Special committees** (Taxation, Constitution, Freight Rate Differentials, Farm Tenancy, Education). Birmingham, October 22, 1937. (Printed)

No. 5. Fifth Alabama Policy Conference. **Reports of Special Committees** (Constitution, Civil Service, Labor Situation, Education). Birmingham, July 15 and 16, 1938. (Mimeographed. Not available)

No. 6. Sixth Alabama Policy Conference. **Consideration of a Proposed Model Constitution for the State of Alabama.** Montgomery, February 10 and 11, 1939. (Mimeographed. Not available)

No. 7. **Proposed Model Constitution for Alabama.** Includes changes suggested by the Sixth Alabama Policy Conference. April, 1939 (Mimeographed. None available)

No. 8. Seventh Alabama Policy Conference. **Education as a Means of Transmitting the Democratic Heritage.** Auburn, April 14, 1941. (Printed)

No. 9. Eighth Alabama Policy Conference. **Alabama State Government: Merit System, State Planning, Pardons and Paroles.** Montgomery, November 28, 1941. (Printed)

No. 10. Ninth Alabama Policy Conference. **Planning: Agricultural, State, Regional, Health.** Birmingham, February 6, 1942. (Printed)

No. 11. Tenth Alabama Policy Conference. **Effective Farm Production.** Montgomery, May 21, 1942. (Printed)

No. 12. Eleventh Alabama Policy Conference. **U. S. Senate Resolution 114. Progress in State Government. Administration of Criminal Law. Selection of County Superintendents.** Montgomery, April 24, 1943. (Printed)

No. 13. Twelfth Alabama Conference. **A New Constitution and Administration of Justice, Education, Taxation and Finance.** Montgomery, November 24, 1944, (Printed)

No. 14. Thirteenth Alabama Policy Conference. **Democracy and the Constitution.** Local Government and Democracy. Democracy and Representation. Montgomery, April 14, 1945. (Printed)

All bulletins edited by the Secretary.

November 27, 1945

Mr. D. O. McGovney
University of California
School of Jurisprudence
Berkeley, California

Dear Dr. McGovney:

Following up our correspondence with regard to the Alabama Policy Committee let me add that I am informed by one of the officers of the Committee that to date there have been no Negro members and no Negro participation in their conferences. He says that the matter has never been raised, but that "the members of the Policy Committee, I am sure, are generally desirous of improving conditions economically, educationally, politically and socially, of the Negro race, an attitude which I feel is reflected through our publications." He further states that he may raise the question of Negro participation at the next Executive Committee meeting.

I suppose that what we have here is the sort of thing that happens so frequently, namely, that a group of white persons, even relatively broadminded persons, get together on some problem and simply forget that there are Negroes who are just as interested as they are. Fortunately, however, this sort of thing is becoming more and more rare.

Cordially yours,

GUY B. JOHNSON
Executive Director

GBJ:m

Alabama Polytechnic Institute
Auburn, Alabama

RECEIVED
NOV 15 1945
Southern Regional Council

November 13, 1945

Mr. Guy B. Johnson, Executive Director
Southern Regional Council, Inc.
63 Auburn Avenue, N. E.
Atlanta, Georgia

Dear Mr. Johnson:

In reply to your letter of November 5 I wish to advise that to date we have had no negro members on the Alabama Policy Committee, nor have we had any negro participants in our policy conferences. The matter has not been raised as I recall. The members of the Policy Committee, I am sure, are generally desirious of improving conditions economically, educationally, politically and socially, of the negro race, an attitude which I feel is reflected through our publications.

I shall be glad to raise the question at the next executive meeting of the organization.

Very truly yours,

Chas. W. Edwards, Secretary
Alabama Policy Committee

CWE: ebl

November 5, 1945

Mr. Charles W. Edwards
Alabama Polytechnic Institute
Auburn, Alabama

Dear Mr. Edwards:

We have had an inquiry as to whether Negroes can belong to the Alabama Policy Committee, and whether they have ever taken part in its meetings. I felt reasonably sure that they could belong, but I thought I had better check up with you before answering the inquiry.

All good wishes.

Sincerely yours,

GUY B. JOHNSON,
Executive Director

GBJ:IBT

November 5, 1945

Dr. D. O. McGovney
University of California
School of Jurisprudence
Berkeley, California

Dear Dr. McGovney:

Thank you for your letter of October 29. I presume that Negroes are eligible to membership in the Alabama Policy Committee, but I am checking up on this point before I give a definite answer to your inquiry.

I am sure that you are right in assuming that the statement concerning a "reasonable educational test" was meant to apply to all illiterates.

I shall write you again soon. All good wishes.

Cordially yours,

GUY B. JOHNSON,
Executive Director

GBJ:IBT

UNIVERSITY OF CALIFORNIA

SCHOOL OF JURISPRUDENCE
BERKELEY, CALIFORNIA

October 29, 1945

Re: 11/3

Mr. Guy B. Johnson
Director, Southern Regional Council
63 Audubon Avenue, N.E.
Atlanta 3, Georgia

Dear Mr. Johnson:

I write for information. The Alabama Policy Committee is composed exclusively of whites, is it not? Am I right in assuming that Negroes are not eligible to attend its conferences? I want to make sure whether all the speakers were white.

At its conference (Alabama Policy Bulletin No. 14) April 14, 1945, the consensus of opinion was that the poll tax prerequisite to voting should be abolished.

At the same time the abolition of racial discriminations against Negroes in registration of voters seems to have been endorsed. That is what I infer from the wording of the constitutional amendment they favored. The Bulletin, at page 2, states, "As is indicated by the proposed amendment, complete removal of all restrictions on the suffrage was generally favored, with a number somewhat insistent that a reasonable educational or literacy test should be retained." From remarks made at the conference I infer that by a "reasonable educational test" was meant one that applied equally to all so-called illiterates.

I am anxious to know what was the composition of this liberal Conference. To what extent is it truly representative of Alabamians?

Yours very truly,

D O McGovney

D. O. McGovney

DOMcG:no

C. Alexander's ltr. hand delivered by messenger
cc: Gene Patterson
Miss H. Bullard
Sam Massell, Jr.
Chas. Wittenstein
Don McEvoy, NCCJ

October 22, 1963

Mr. Cecil Alexander
70 Fairlie Street, N. W.
Atlanta, Georgia

Dear Cecil:

Here is the "catalogue" -- a presumptious name for a slim collection. It covers, however, what I recall as the principal items of discussion the other night.

All you have to do is recollect how vague many well informed Atlantans are as to the hotel and restaurant situation here, in order to appreciate how difficult hard information on this subject is to obtain.

We think everything in this "catalogue" is accurate -- we certainly have tried hard to make it so.

Although this is mimeographed, we are distributing copies only to the people who were at your house, and only one per person. If you are Gene would like additional copies, or would want me to send copies to other persons, please give me a call.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj
cc: Mr. Eugene Patterson
Enclosures

October 22, 1963

MUNICIPAL EMPLOYMENT

These are merely fragmentary notes, derived from a search of our files. They do not represent a full picture of any of the cities mentioned. We have simply noted instances of non-traditional employment which we had record of in our files. (All of this group of cities employ Negro policemen.)

Charlotte	-	billing clerk (employed July 1963, apparently first white-collar Negro in municipal employment).
Greensboro	-	cashier in tax assessor's office
Houston	-	4 process servers 6 clerical workers in county clerk's office* (hired 1963) 3 probation officers in juvenile court assistant pumper, 2 foremen in Water Department (hired 1963) 3 beauty shop inspectors in Health Department (hired 1963)
Knoxville	-	clerk in Registrar of Deeds office (hired October 1962)
Memphis	-	Assistant Public Defender 3 sheriff's deputies clerk at City Hall
Nashville	-	firemen supervisor in Welfare Department deputy tax assessor clerical personnel at Housing Commission
New Orleans	-	police sergeant
Richmond	-	6 of 28 fire companies are integrated; in July 1963 the all-Negro company was disbanded and re-assigned.

---

*one of these at meet-the-customer counter

PUBLIC SCHOOL DESEGREGATION: NUMBER OF NEGROES IN SCHOOL WITH WHITES

(Unless otherwise noted, desegregation data is from various publications of the Southern Education Reporting Service. School census data is from various official sources. For each city, the first figure given indicates the first year of school desegregation. Cities desegregated in the late 1950's moved very slowly during the first years, and since have picked up momentum. Atlanta's present total is, among all the cities, whether starting earlier or later, the lowest, except for much smaller Greensboro.)

Year	Atlanta	Char-lotte	Chatta-nooga	Dallas	Greens-boro	Houston	Knox-ville	Memphis	Nash-ville	New Orleans	Norfolk	Richmond
1957		3			6				11			
1958		4			5				34			
1959		1			5				44		21	
1960		2			5	12	28		187	4	23	2
1961	9	27		18	17	32	51	13	272 plus 538N. with 2W. at one school	12	50	36
1962	44	44 plus 400N. with 15W. at one school	50	26*	35	77*	86	53	490 plus 534N. with 1W. at one school	107	101	138
1963	153	81 plus 372N. with 12W. at one school	505 plus 721N. with 1W. and 315N. with 5W. at two schools	182**	128	233***	229	280	773	361 plus 1,440N. with 1W. at one school	241[x]	369[xx]
School Census	110,620 (tot. enroll-ment, 1962, app. 47% Negro)	66,946 (1962) N-18,814 W-48,132	26,745 (1962) N-11,742 W-15,003	117,019 (1962) N-22,929 W-94,090	24,844 (1962) N- 7,094 W-17,750	198,808 (1963) Total Enroll-ment	22,862 (1962) N- 5,290 W-17,572	108,020 (1962) N-51,828 W-56,192	30,419 (1962) N-13,933 W-16,486	98,780 (1962) N-59,428 W-39,352	54,502 (1962) N-19,250 W-35,252	42,596 (1962) N-24,820 W-17,776

Sources: *Houston Chronicle, 9/1/63
**Dallas Morning News, 9/8/63
***Houston Post, 9/13/63
[x]Norfolk Virginian-Pilot, 9/4/63
[xx]Richmond News Leader, 9/6/63

October 22, 1963

HOTEL AND RESTAURANT SERVICE

	Hotel and Motel	Restaurant
Richmond	4 leading hotels - the John Marshall, Jefferson Richmond, and Byrd - open. At least 5 motels - 2 Howard Johnsons, 2 Holiday Inns, and the Executive - open.	Most leading restaurants are open. About 25 were so before demonstrations summer 1963; approximately 90 have opened since.
Norfolk	Our information is that all, or virtually all, hotels and motels now open. Most of these changed policies in July 1963 or later; a few (e.g., the Golden Triangle) opened much earlier.	A few only open; these include some of best. All department store dining rooms open (until September 1963 there had been one hold-out).
Greensboro	5 motels -- Two Holiday Inns, Howard Johnson, Town House, Kent Court - open. Hotels still segregated, except for dining for some mixed meetings.	37 eating places open; this includes dining room of desegregated motels, department stores, and 6 first-class restaurants, as well as national and regional chains.
Charlotte	5 leading hotels -- Manger, Queen Charlotte, Sheraton-Barringer, Heart of Charlotte, Downtowner -- and 3 leading motels -- Coliseum, James Lee, Alamo Plaza -- open; maybe others.	As of July 1963, 110 of the 286 restaurants regarded before then as all-white were opened.
Knoxville	2 leading hotels -- Andrew Johnson and Farragut -- open; 4 others -- the Park, Atkin, Arnold, and St. James -- still segregated. 2 motels -- a Holiday Inn and the White City -- open; others apparently not.	More than 50 open, spread all over city. Practically speaking, all restaurants are open.

Hotel and Restaurant Service - 2.

	Hotel and Motel	Restaurant
Nashville	12 open: the Albert Pick, Hermitage, Andrew Jackson, two Holiday Inns, Noel, Downtowner, Allen House, Anchor House, Howard Johnson, and Alamo Plaza. The latter 6 of these opened October 1963; the former in May 1963.	Nearly all restaurants in city are open. The only notable exceptions are the Krystals, two hamburger shops, and one good restaurant.
Chattanooga	2 leading hotels -- Patton and Reed House -- and one motel -- Holiday Inn -- are open.	Most of the better restaurants are open, since July 1963.
Memphis	All leading hotel and motels open since May 1963	Confused picture. Apparently, only 1 first class restaurant, hotel dining rooms, and department store dining rooms are open.
New Orleans	All apparently segregated, except the airport Hilton Inn. 3 downtown hotels -- the Sheraton-Charles, Jung, and Royal Orleans -- agreed September 1963 to accept conventions with limited numbers of Negro delegates	All apparently segregated (except airport Hilton Inn.)
Dallas	All leading hotels and motels now completely open. A few small motels still segregated.	An estimated 75 - 85% open.
Houston	All leading hotels, except the 250 room Ben Milam, now open. About 6 motels are open; others did not go along with hotel agreement of February 1963.	Of 105 in restaurant association, all but 5 went along with desegregation agreement Spring 1963; some evidence that about 15 have since re-segregated.

November 5, 1963

Mr. Cecil Alexander
70 Fairlie Street
Atlanta, Georgia

Dear Cecil:

I have not overlooked your suggestion that I offer up some names of persons who might be included in a second conversation such as we had at your house several weeks ago. I think that now, following the statement of the so-called summit conference, there might be special value in meeting again.

Your remark was perceptive when you commented on the difficulty of inviting Negro friends to take part in such a meeting as we had, without giving seed to the thought that persons such as you, Helen, Sam, and Gene were representing the civic powers. In part, I think that my presence protects against that assumption, but not enough.

My hunch would be that the best approach would be to invite persons who are, in the first place, highly sophisticated and, in the second place, not to invite the persons who are the public spokesmen for the summit conference.

On the premise that the group, if it meets again, should be kept small, my suggestions would be Don Hollowell, Sam Williams, T. M. Alexander, Sr., and B. R. Brazeal.

Sarah Mitchell might be another interesting addition.

All the best.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj

cc: Miss Helen Bullard

File: Alexander, Cecil
(make folder & give from "A" gen. correspondence of his letters & file as need folder)

May 14, 1964

Mr. Cecil Alexander
70 Fairlie Street, N. W.
Atlanta, Georgia

Dear Cecil:

Here are a few thoughts regarding your "Program for Helping Resolve Racial Problems."

I doubt that anything as huge as you propose could get going without White House endorsement, and some necessary measure of White House initiative; especially does this seem required if quick action is wanted.

Were the President's interest in the idea obtained, a second need would be to be prepared with suggestions as to what steps should be taken. An obvious one would be the appointment of chairmen. Another possibility might be the convening of and otherwise mobilizing the leadership of the various groups called to the White House last Spring and Summer.

To my knowledge, two of those groups subsequently erected on-going committees. The most ambitious -- the National Women's Committee -- has, because it ran out of money, given up its staff, but it still

maintains an identity and an office in Washington. The Lawyers Committee for Civil Rights Under Law has an office in Washington and a staff head: David Stahl, former attorney-general of Pennsylvania. Another group, in which President Johnson should have a special interest, that might be supportive is the Advisory Council on Plans for Progress; it has a chairman -- G. William Miller, president of Textran, Inc. -- and some kind of a staff.

The program would require money, and a good bit of it, and here too the White House would probably be indispensable. A call from it to the Ford Foundation or to one of the Rockefeller brothers or to Stephen Currier would be close to necessary to get the kind of attention needed; this is not altogether a simple matter of influence: more to the point, it would amount to assurance of high, authoritative backing for the effort.

Here are a few comments on the substance of the proposal.

I think religious bodies and unions should be included as "full participants." In the executive committee there should be labor representatives and educators. I see no reason to make a point of excluding persons from the civil rights movement: how in the _____ is the nation going to cleanse its soul shunning contact with the controversialists? It may be unrealistic to aim for July 4.

What has become of the enclosed idea I don't know. It comes from a staff paper (confidential) to Adlai Stevenson and other Trustees of the Eleanor Roosevelt Memorial Foundation.

Will see you next Thursday night.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj
Enclosure - 1.
cc: Mr. Sylvan Meyer

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May 4, 1964

Mr. Leslie Dunbar
Southern Regional Council
5 Forsyth Street
Atlanta, Georgia

Dear Les:

Enclosed is a copy of the notes I presented to Mr. Guthman at the Attorney General's office. Incidentally Ralph McGill put me in touch with Guthman. If you have any proposals of how to get this thing off the ground, let me know.

Sincerely,

Cecil

Cecil A. Alexander

pk

Encl.

Patterson Zum 8-3313

PROGRAM FOR HELPING RESOLVE RACIAL PROBLEMS

1. Bring to bear the full participation of the advertisers, news media, and public relations in a saturation campaign dealing with the problem.

2. Organize a Committee of 10,000 - 200 from each state with an Executive Committee of 100 to promote the above program and support other projects.

   Committee will be composed of religious, industrial, professional, merchant and retired government officials - civil and military.

   Persons selected should not be in the civil rights movement.

   Honorary Chairman - former Presidents Hoover, Truman, Eisenhower, and Mrs. Kennedy.

   Possible Chairmen:

   W.H.

   General Clay
   Dr. Eisenhower
   Henry Luce

3. Purpose to present the Negro movement to both races as one of the final actions stemming from the American Revolution and in accord with our religious beliefs, our Constitution and human decency.

Suggestions:

1. Reaffirmation of the "life, liberty, pursuit of happiness clause of the Declaration with further specific reference to the Negro. This to be published simultaneously in all major newspapers.

2. Ask the Advertising Council to sponsor an all out campaign in every medium.

3. Highest level speakers in Civic Clubs.

4. Enlist help of all Chambers of Commerce.

5. Work shops in all cities - similar to "Action" work shops in area of urban renewal.

6. Expansion of "Partners for Progress" to a national scope.

7. July 4th program in Washington and featured throughout the Country.

8. Set 1976 (200 year anniversary of Declaration) as a goal.

9. Pins and certificates for support.

10. Further emphasis on training programs by private industry.

11. National day of prayer.

Cecil A. Alexander
April 28, 1964

L M
T A
V I
M I. file

File
A. Ben. Carey

June 11, 1964

70 Fairlie Street
Atlanta, Georgia

Mr. Les Dunbar
Southern Regional Council
5 Forsyth Street
Atlanta, Ga.

Dear Les,

May we invite you to a meeting to be held

8:30 P.M., Wednesday, June 24th
The Alexanders' Home, 2322 Mt. Paran Road (west of the Marietta Highway)

As it now appears certain that a civil rights bill will pass, we are concerned with the next step after the bill becomes a law. In order to provide a forum for information and exchange of ideas, we have called an informal meeting to discuss specifically the public accomodations provision of the bill.

We are inviting leaders from government, civic organizations, communications, religious bodies, labor, law-enforcement agencies and several representatives of public facilities that have already met the provisions of the law.

The success of this meeting will depend on this wide-spread representation. Since we have limited those from each group, it is extremely important that you be there.

Please return the enclosed card.

Sincerely,

Rwlwood
Robert Wood

Cecil A. Alexander
Cecil A. Alexander
Members of Mayor's Coordinating Committee

ec

Enclosure

CROSS REFERENCE SHEET

NAME OR SUBJECT

Rev. Emmett Lucas, Jr.
The Church of the Annunciation (Episcopal)
Meadows Lane at Cheney Drive
Vidalia, Georgia

REGARDING:

Letter to LWDunbar, at suggestion of Moreland G. Smith of Montgomery, Ala., re: assistance in locating MR. E. BART DALEY, with some architectural or engineering firm in small town of Georgia following prison term at Reidsville.

NOTE: LWD refers matter to:
Cecil Alexander
Helen Bullard
(both of Atlanta)

DATE(S)
April 2, ~~&&&~~ 1965

(SEE)
NAME OR SUBJECT:

Religious Organizations:
(folder marked - "Episcopal - general")

File
Alexander, Cecil

April 5, 1965

Mr. Cecil Alexander
70 Fairlie Street
Atlanta, Georgia

Dear Cecil:

Do you have any suggestions for Mr. Daley?

All best wishes.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj
Enclosure - 1. (Ltr from Rev. Emmett Lucas - Episcopal Church of the Annunciation - transmitting Resolution on E. Bert Daley - Apr. 2, 1965)

yes. Anyone else going from SRC. (See reg. card.)

PA
AV

LF
LWD

can you attend?

file — Alexander, Cecil

To Employers Affected by Title VII of the Civil Rights Act

Gentlemen:

The National Citizens Committee for Community Relations has asked its Atlanta members to sponsor a meeting for the purpose of explaining the provisions of the Civil Rights Act of 1964 to those employers who will be affected by Title VII, beginning in July, 1965.

We have therefore set up the following program:

Time: Monday, June 7, 2:30 p.m.

Place: Architects and Engineers Building, Spring & Harris Sts.

Agenda:

1. Local case studies of equal opportunity employment.
   Speaker — To be announced

2. Explanation of the employment provisions of the Civil Rights Act.
   Speaker — From U. S. Department of Commerce

3. Training programs now in progress, and projected for the Atlanta area.
   Speaker — Charles O. Emmerich, Exec. Dir.
   Atlanta-Fulton County EOA

4. Skills and potentials of Atlanta Negro students.
   Speaker — Dean Harding D. Young
   Atlanta University

5. Discussion

We urge that you send a representative(s) to this meeting. Please return the enclosed card as quickly as possible.

Sincerely,

Cecil Alexander

Cecil A. Alexander
Member, N.C.C.C.R.

Rec'd 6/28/65

ARCHITECTS
ENGINEERS
INTERIOR DESIGNERS

FINCH ALEXANDER BARNES ROTHSCHILD & PASCHAL
70 FAIRLIE STREET N.W. / ATLANTA, GEORGIA 30303 / MURRAY 8-8313

James H. Finch, F.A.I.A.
Cecil A. Alexander, F.A.I.A.
Miller D. Barnes, A.I.A.
Bernard B. Rothschild, F.C.S.I.
Caraker D. Paschal, A.I.A.

ASSOCIATES
Robert D. Ahlstrand, R.A.
Sidney S. Daniell, R.A.
David J. Edwards, Jr., R.A.
Thomas G. Joyce, A.I.A.
H. King McCain, N.S.P.E.
William L. Pulgram, A.I.A.
John Steinichen, A.I.A.

June 28, 1965

PA
MI - file - Cecil Alexander

Mr. Leslie Dunbar
Southern Regional Council
5 Forsyth Street, N.W.
Atlanta, Georgia

Dear Les:

Enclosed is a list of persons who attended the N.C.C.C.R. meeting on Title VII of the Civil Rights Act. We thought you might be interested.

Sincerely,

Cecil

Cecil A. Alexander

CAA:ec

Enclosure

Branch Office / 213 Terry-Hutchens Building, Huntsville, Alabama, 35801 / Thomas G. Joyce, A.I.A., In Charge

TITLE VII MEETING

ATTENDANCE June 7, 1965

(N.C.C.C.R. meeting for discussion of Title VII of the Civil Rights Act)

Alexander, T.M., Sr. - Atlanta Member, Commission
Allen, Marion A. - The Coca-Cola Company
Almond, Margaret M. - Atlas Finance Company
Ambrose, R.E. - Whitley Concrete
Arden, J. B. - Western Electric Company
Arnold, Harold N., Executive Director - Atlanta Urban League, Inc.

Bailey, A. A. - Atlas Finance Company
Baker, Ned - The Arrow Company
Barnes, Jarrett - Atlanta Public Schools
Bordon, B. F. - B & C Metal Stamping Company

Cainer, Fred - King Plough Company
Carl, Marie B. - American Friends Society Council, Atlanta
Chamblin, John F. - Associated General Contractors
Coe, John L. - Spelman College
Collinson, Noyes - American Friends Society Council, Atlanta

DeVaughn, A.G. - Retail Credit Company
Dickie, H. T. - Haverty Furniture Company
Duncan, J.R. - Atlanta Federal Savings & Loan Assoc.
Dwyer, J. P. - WSB, Radio

Elliott, Loyd J., Dr. - Southern Regional Council, Inc.
Erwin, R. G. - Law Engineer Testing Company

Franze, Barbara - Davison's
Fretwell, C. C. - Chevrolet, Atlanta
Friedland, David J. - Toddle Tyke Company

Gunning, Gladys - Partners for Progress

Haile, C. W. - Otis Elevator Company
Harris, Haskell A. - Toddle Tyke Company
Heard, Margaret - Montag, Inc.
Hendricks, J. Lamar - ITE Circuit Breaker Company
Hewitt, G. M. - Kroger Company
Heyward, E. S. - Southern Airways, Inc.

Jones, Stanley - All-State Insurance Company
Johnson, Leroy, Senator - Attorney

Keen, Margaret - Montag, Inc.
Kemp, Jack - Honeywell, Inc.

Layburn, W.M. - Western Electric
LeGrand, J. B. - National Service Industries, Inc.
Lynch, J. R. - S.S. Kresge Company

McEvoy, Don - N.C.C.J.

Mathewson, Harry - Georgia Marble Company
Maynard, W. P. - Atlanta Transit Company
Medlock, C. E. - Gulf Oil Company
Meyar, H. L. - Fulton National Bank
Meyer, Sylvan - The Daily Times, Gainesville, Georgia
Miller, P. A. - Norell Personnel Service
Monroe, G. A. - Zep Manufacturing Company
Montgomery, Wallace, Jr., - Georgia Marble Company
Montague, W. H., Sr. - Georgia State AFL CIO
Moore, J. O. - Atlanta Labor Council, AFL-CIO
Moseley, Stan - Chevrolet, Atlanta

Payson, Raymond - Akers Motor Lines
Perry, Harmon - Atlanta Daily World
Posenecker, A. - ITE Circuit Breaker Company
Powell, W. H. - The Warren Company, Inc.
Pritchett, Edwin E. - Personnel Department, City of Atlanta

Richards, Eric -
Richards, J. E. - S.S. Kresge Company
Robertson, James D. - Scripto, Inc.
Rogan, Janet - Social worker
Rogers, Ray - Student

Sheffield, O. K., Jr. - Fulton National Bank
Simmons, Ted - Atlanta Constitution
Smiley, M. A. - Davison's
Smith, E. C. - Gulf Oil Company
Socol, Leon - Atlanta Envelope Company
Stewart, H. A. - Southern States, Inc.

Tilly, M. E. - Member Community Relations Service

Wint, George L. Jr. - Otis Elevator Company
Wittenstein, Charles F. - A.J.C.
Wells, Frank - Coastal States Life Insurance Company

CROSS REFERENCE SHEET

NAME OR SUBJECT

Cecil Alexander
Finch, Alexander, Barnes, Rothschild and Paschal

REGARDING

Opie Shelton's piece in the Atlanta Magazine for May
"Patience, Punks and Pinks"
ltr from Les Dunbar 5/20/66

DATE

5-20-66

(SEE)
NAME OR SUBJECT

The Field Foundation

Ethel Alexander - file "A" gen. corresp.

file

1. Prepare catalogue comparing Atlanta with other southern cities - Charlotte, etc., with emphasis on:
   a) Schools
   b) Employment
   c) Restaurants
   d) Hotels

Action - L.D.

2. Can city or others perform some voluntary act?
   a) Accelerate pupil placement plan. Action (?)
   b) Eliminate signs in State & County buildings. Action - Sen Johnson thru MB
   c) C of C go ahead and take in more members Action - GP

3. A new manifesto from churches recommended.
   Action DM

4. Over-all plan for development - possibly thru C of C.
   Action - GP

5. Discussed national public relations plan. Suggested that emphasis be put on present rather than history.

6. Help needed for Davis. Suggested discussion with C of C.
Action - GP.

7. Future meeting. List being prepared by L.D.

8. Consider R. Thompson for award by Nat. C. of C & J.

SUGGESTIONS FOR AN APPROACH TO THE RESOLUTION OF THE RACIAL PROBLEM IN THIS COUNTRY

(A) Two basic problems:

(1) Acceptance of the Negro and other minorities as first class citizens by the white majority.

(2) Deterioration of confidence in the process of democracy and good will of the white man by the Negro and other minorities.

(B) Thesis:

The vast majority of white Americans have an uneasy conscience concerning the treatment of minorities based on the following:

(1) The basic beliefs enunciated in the Declaration of Independence and the Constitution concerning fair and equal treatment of all citizens.

(2) The teachings of the great religions of this country.

(3) The self held image of most white Americans that he is fair minded and favors the "underdog".

In spite of many contrary incidents, recent history has shown the willingness of many whites to work with Negroes to eliminate descrimination. There is also evidence of acquiescence to change on the part of many more. It is to this majority that the approach herein outlined is addressed.

(C) Basic Approach:

While there have been many scattered efforts to sway public opinion, these efforts have been uncoordinated, often lacked substantial leadership, and made only narrow appeals. It has been many times illustrated that concentrated support for issues which are fundamental in their appeal to Americans can be sold to them. It has also, unfortunately, been shown that other issues, not so worthy, can be sold until the true situation becomes evident.

The racial situation in this country has never received the all out concentrated support, that our polio drives, war bonds, or education have been given. Until we have tried this, no one can with assurance say that our problems cannot be amicably resolved.

In view of the above, it is believed that an appeal to patriotism, religious morality, and humanitarianism if properly sponsored, will affect vast changes in attitudes and enlist great areas of untapped support.

Such a program, to be effective, must be sponsored by the strongest possible non-partisan leadership , and enlist persons here-to-fore not primarily involved in the civil rights movement. The top brains in advertising public-relations, sociology, and communications must be brought together to map out a program. If the Negro revolution and the resolution of other minority problems can be shown as the final acts of the American Revolution the full force of this nation, except for perhaps the fifteen or twenty percent who are beyond convincing, can be mustered in support of this cause as the right and patriotic thing to do.

(D) Suggested Organization:

Form a national committee as follows:

(1) Honorary Chairman: Presidents Hoover, Truman, Eisenhower and Mrs. Kennedy.

(2) Active Chairman: Selected from the following list or others:

Ralph Bunch	Billy Graham
General Lucius Clay	Henry Luce
Dr. James Connant	Dr. Benjamin Mays
Dr. Milton Eisenhower	Ralph McGill

(Several Co-Chairman could be selected)

(3) Executive Committee:

100 Persons. (12 from each state)

(4) Total membership:

10,000 Persons. (200 from each state)

Membership to be drawn from following groups:

Business	Government
Religion	Women
Education	Veteran organizations
Labor	Civil Clubs
Professional	Chambers of Commerce

The nucleous of this membership might be the various groups called to the White House last Spring and Summer. These groups include the National Women's Committee, The Lawyers Committee for Civil Rights and the Advisory Council on Plans for Progress which are still in existence.

(5) Initial financing would be done through the major foundations.

(6) Staff:

The national headquarters would form a staff consisting of persons on loan from the various organizations of this country concerned with human relations. In addition, top advertisers, and communication media would supply personnel.

In each city a local budget would be set up to maintain a staff. This budget would be met by local funds, national funds, and where possible local government funds.

The Advertising Council should be enlisted immediately to launch a nation wide campaign in all media.

(7) Timing:

The foundation of this committee would be announced in all major cities on July 4, 1964. This announcement would reaffirm the signers belief in the "life, liberty, and pursuit of happiness" clause from the Declaration of Independence and further declare the need that this statement apply to all citizens.

The following are some random suggestions of what activity the committee might engage in -

(a) Set 1976, the two hundreth anniversary of the Declaration of Independence for the elimination of descrimination totally, in all areas of our public life.

(b) Set-up a medal and monetary award (similar to the Nobel Prize) to be presented by the President before a joint session of Congress for outstanding service in the field of human rights. Such awards might go to communities as well as individuals.

(c) Series of ads showing Negro participation in the history of this country and their present contribution to American life in all fields.

(d) Spread the idea of *Partners for Progress to all communities.

(e) Organize new type of descendants of the American Revolution groups who would be dedicated to the carrying out of the principals of the Revolution.

(f) Preparation of a text on the role of minorities in America and encourage its use in the schools.

(g) Set-up work shops with noted speakers in all major cities for business, labor, educational, religious and civic leaders.

* See Attached Exhibit.

(h) Give awards for outstanding artistic contributions to the cause including, literature painting, play writing etc. These awards to be made on a national T.V. program, similar to the Oscar programs.

(i) Declare a national day of integrated prayer.

(j) Encourage business men to set-up training programs related to native ability rather than education. Also encourage them to establish strong ties with Negro colleges and take an active and continuing interest in their graduates.

(k) Conduct theme and essay contests for high school seniors on a yearly basis.

(l) Obtain declaration of support from the national veterans organizations.

(m) Encourage Negroes in positions of wealth and leadership to promote programs in their own communities for training and education.

(n) Encourage the integration of Junior Achievement programs.

(o) Sale of "I Am An American" pins to be designed by a talented artist - and of certificates, car stickers, etc.

(p) Obtain declaration of support from all church groups, national organizations, labor unions, professional groups, etc.

These ideas are only a beginning. When the outstanding authorities in public communications are gathered together in this Committee, only then will a truly effective program be conceived. It is the very fact that the outstanding talents of this country can be brought to bear on this program, that makes this program compelling and possible of great achievement.

Cecil A. Alexander
2322 Mt. Paran Road
Atlanta, Georgia

JULIUS ROSENWALD FUND
4901 ELLIS AVENUE
CHICAGO 15, ILLINOIS

April 17, 1945

Dear Miss Clay: Thank you very much for your explanatory letter of April 3 which arrived hot on the heels of an answer from Harper's saying that they had a hard-and-fast rule that reprints must be handled by them. I am glad to know, however, that they made an exception in the case of the Council. Herewith we confirm the order for 1,000 reprints.

Would you work out with Miss Elvidge any financial arrangements in connection with these?

Doctor Will is still in the hospital and will be for another week or so it seems. They have located a disk in his vertebra and are working out schemes to treat the condition.

Very truly yours,

Sumiko Ōura

SO

Miss Emily H. Clay
Southern Regional Council
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

JULIUS ROSENWALD FUND
4901 ELLIS AVENUE
CHICAGO 15, ILLINOIS

April 25, 1945

Dear Miss Clay: Just a few lines to let you know that Doctor Will is coming along slowly. This ishis fourth week in the hospital and he got up for the first time this week and is learning to get around his room with crutches. It seems there is a numbness in his leg and foot which may continue for an indefinite time. However the doctor hopes to let him out of the hospital maybe the end of this week. They are also giving him some kind of a brace for his back to try to help things along. I am sure he appreciates your letter with the news, but he still hasn't felt up to writing to anyone at all.

Very truly yours,

Sumiko Oura

SO

Miss Emily H. Clay
Southern Regional Council, Inc.
63 Auburn Avenue, N. E. Room 432
Atlanta 3, Georgia

May 4, 1945

Miss Sumiko Oura
Julius Rosenwald Fund
4901 Ellis Avenue
Chicago 15, Illinois

Dear Miss Oura:

The reprints of Dr. Alexander's article were delivered to us several days ago, but the printer had neglected to fasten the sheets together. It was, of course, necessary to return the entire lot, and the completed job has just been delivered to us. I am very sorry, indeed, for the unavoidable delay in filling your order for 1,000 copies, but I am having two packages of 500 copies, each, mailed to you today. The actual charge for the reprints was $19.60 a thousand. Although you suggested that a bill be sent to Miss Elvidge, I am enclosing one, which I shall appreciate your handing to her.

Thank you very much for keeping me informed about Dr. Alexander's condition. We are all disturbed and distressed to hear that he is still in the hospital, and that it is necessary for him to resort to the use of crutches. I do hope, though, that he will improve rapidly from now on and that he will soon be back in the whirl again. Knowing him as well as I do, I am sure that he finds it very difficult to be forced to lead a life of inactivity. I shall send him another note.

Sincerely yours,

EHC

DATE May 4, 1945

TO JULIUS ROSENWALD FUND

4901 Ellis Avenue

m Chicago 15, Illinois

IN ACCOUNT WITH

SOUTHERN REGIONAL COUNCIL, INC.

63 Auburn Avenue, N. E.

~~710 STANDARD BUILDING~~

~~XXXXXXXXXXXXXXXXXX~~

ATLANTA 3, GEORGIA

1000 copies reprint of
OUR CONFLICTING RACIAL POLICIES
by Will W. Alexander

Actual cost of reprinting $19.60

CK 5/14/45

AIR MAIL

RALPH A. ULVELING
LIBRARIAN

THE PUBLIC LIBRARY
DETROIT 2, MICHIGAN

CHARLES M. MOHRHARDT
ASSOCIATE

May 7, 1945.

100 — $7.50
200 — 6.00
300 — 5.00

Commission on Interracial Cooperation, Inc.,
710 Standard Building,
Atlanta, Georgia.

Gentlemen:

Will you please inform me if you can supply 1 to 300 copies on consignment of the pamphlet listed below for use at the Work Shop Conference of the City of Detroit Interracial Committee to be held on June 1st and what price it would be? Is the price lower for outright purchase in lots of 100? Have you any pamphlets or leaflets which you could make available for free distribution at this Work Shop?

I would be glad if you will let me know as soon as possible so I can get my order to you.

Very truly yours,

Helene Thorpe

Helene Thorpe,
Exhibit Committee, Work Shop Conference,
City of Detroit Interracial Committee.

Understanding our neighbors, a factual study of America's major race problem.

PRICES QUOTED

May 16, 1945

Miss Helen Thorpe
Exhibit Committee, Work Shop Conference
City of Detroit Interracial Committee
The Public Library
Detroit 2, Michigan

Dear Miss Thorpe:

The Commission on Interracial Cooperation, to which your letter of May 7 was addressed, merged with the Southern Regional Council in February 1944. The enclosed pamphlet entitled THE SOUTHERN REGIONAL COUNCIL, ITS ORIGIN AND PURPOSE will acquaint you with the background and program of the new organization.

We have delayed replying to your letter in the hope that we might be able to tell you definitely when the revised edition of UNDERSTANDING OUR NEIGHBORS will be ready for distribution. The best we can do, however, is to say that our printer assures us that it will be off the press in time to reach you before June 1, in case you wish to place an order. Our usual charge for this pamphlet is $7.50 a hundred, which covers the actual cost of printing and handling, but because of our desire to cooperate with you in your Work Shop Conference we are glad to quote the following prices:

For outright purchase- 100 copies, $7.50; 200, at $6.00 a hundred; 300, at $5.00 a hundred, postage paid in each case.

For consignment- $7.50 a hundred, plus return carrying charges on any pamphlets not sold.

With the pamphlet describing the Council, we are including a sample copy of AMERICA'S TENTH MAN and our monthly paper THE SOUTHERN FRONTIER, which we hope will interest you. We are writing Mrs. Whitby, Assistant Director of the Interracial Committee, that we shall be glad to send copies of our materials for the exhibit which is being prepared for the Conference.

We shall look forward to hearing from you again.

Cordially yours,

Emily H. Clay
Secretary-Treasurer

C. W.
6/8/45

May 24, 1945

TO MEMBERS OF THE
SOUTHERN REGIONAL COUNCIL:

At a meeting of the Board of Directors on January 31, 1945, your Executive Directors were instructed to obtain reprints of an article by Dr. Will W. Alexander entitled "Our Conflicting Racial Policies," which was published in Harper's Magazine for January, and to distribute them to members of the Council. We have received permission from Harper's Magazine to make a limited number of reprints.

We shall appreciate any comment that you might like to make on Dr. Alexander's article. If you want additional copies, please let us know.

Sincerely yours,

Guy B. Johnson

GUY B. JOHNSON
Executive Director

24 Reprints

Please send me two dozen copies, for use at Mt. Sequoyah, Ark., this summer.

R. L. Hunt,
Magnolia, Miss.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE FOR EMERGENCY MANAGEMENT
PRESIDENT'S COMMITTEE ON FAIR EMPLOYMENT PRACTICE
WASHINGTON 25, D. C.

May 28, 1945

Southern Regional Council, Inc.
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Gentlemen:

Would it be possible to obtain sixty copies of the reprint from Harper's Magazine of Dr. W. W. Alexander's "Our Conflicting Racial Policies"?

We desire to send a copy of this very splendid article to members of our field staff.

Sincerely yours,

Eugene Davidson
Assistant Director
Field Operations

60
Mar
5/30/45

Gate City Methodist Church

HASKELL M. MILLER
MINISTER

217 WALNUT STREET
Gate City, Virginia

May 29, 1945

SOUTHERN REGIONAL COUNCIL, INC.,
63 Auburn Ave., N. E.,
Atlanta 3, Ga.

Gentlemen:

I have just received the reprint of Dr. Will W. Alexander's article, "Our Conflicting Racial Policies", and like it very much.

For some time I have been teaching classes on Race Relations in connection with the educational program of the Methodist Church, and I should like very much to have a good supply of these reprints. Let us say 25 copies, and more if you can spare them.

With appreciation of the good work you are doing, I remain

Sincerely yours,

Haskell M. Miller

Haskell M. Miller

30 Alexander reprints
Rec 5/30/45

MISS NANNIE H. BURROUGHS, *President*

NATIONAL TRADE AND PROFESSIONAL SCHOOL
FOR
WOMEN AND GIRLS

LINCOLN HEIGHTS
WASHINGTON 19, D. C.

LEARN TO DO AT LEAST ONE THING SUPERBLY WELL

May 29, 1945

Mr. Guy B. Johnson
South Regional Council
63 Auburn Avenue, N. E.
Atlanta, 3, Georgia

Dear Mr. Johnson:

Please send me

200 "OUR CONFLICTING RACIAL POLICIES"

by Dr. Will W. Alexander, and bill me for same.

Yours truly,

Nannie H. Burroughs

Nannie H. Burroughs

NHB/s

~~Bill for 200~~

Sent 200

May 29, 1945.
Richmond 19, Va.

Dear Dr. Johnson:

I think that the reprint of Dr. Alexander's article is very fine. Please send me 50 copies for sure and if you have more I could use them.

Very sincerely yours,

Tom

Thos. C. Allen, Director
Department of Interracial Coop.

Room 215
1444 E. Main St.

ROLLINS COLLEGE
WINTER PARK, FLORIDA
HAMILTON HOLT, PRESIDENT

KNOWLES MEMORIAL CHAPEL

May 29, 1945

Southern Regional Council
63 Auburn Avenue, N. E.,
Atlanta 3, Georgia

Dear Sirs:

Thank you for the reprint of Dr. Alexander's article in Harper's. Could you spare me two or three hundred additional copies for distribution in Winter Park?

Yours sincerely,

Henry M. Edmonds

Henry M. Edmonds

Sent 200 May 31/45

Mrs.

Atlantic Christian College
Wilson, N. C.

DEPARTMENT OF SOCIAL SCIENCE
C. H. HAMLIN

Kindly send me 50 copies of "Our Conflicting Racial Policies" by Will Alexander. It is great.

Sincerely
C. H. Hamlin

CITIZENS' FACT-FINDING MOVEMENT OF GEORGIA

A coordinating agency for studying Georgia and for stimulating its progress through the democratic process

818 FORSYTH BUILDING, ATLANTA 3, GEORGIA

May 31, 1945

Dear Guy:

I have read with interest Dr. Will's excellent article "Our Conflicting Racial Policies". Your memorandum which accompanied the reprint states that additional copies are available. I would appreciate your having the office send me five.

Sincerely,

Josephine Wilkins
Administrator

Dr. Guy B. Johnson, Executive Director
Southern Regional Council
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

5 Reprints

C-W-4-45

THE FIRST PRESBYTERIAN CHURCH
AUGUSTA, GEORGIA
ORGANIZED 1804

THE BIRTH-PLACE OF THE
SOUTHERN ASSEMBLY

REV. CARY N. WEISIGER, III
PASTOR

May 31, 1945

Mr. Guy B. Johnson, Ex. Director
Southern Regional Council, Inc.
63 Auburn Ave., N.E.
Atlanta 3, Ga.

Dear Mr. Johnson:-

Dr. Alexander's article, "Our Conflicting Racial Policies", has moved me deeply. Can you send me ten copies for ~~several~~ wise distribution?

Sincerely yours,

Cary N. Weisiger 3rd

CNW:ms

10 Reprints

C-W-4-45

Duke University
THE DIVINITY SCHOOL

H. SHELTON SMITH
Professor of Christian Ethics and
Director of Graduate Studies in Religion

DURHAM
NORTH CAROLINA

May 31, 1945

Dr. Guy B. Johnson
Southern Regional Council, Inc.
Room 432, 63 Auburn Ave., N.E.
Atlanta 3, Georgia

Dear Dr. Johnson:

Thank you for sending me a copy of Dr. Alexander's article. This statement is exceptionally timely and I should like to give my summer school students copies of it. Could you send me about fifteen for this purpose?

Cordially yours,

H. Shelton Smith

H. Shelton Smith

HSS:jk

m
6/6/45

HAMPTON INSTITUTE
HAMPTON, VIRGINIA

OFFICE OF THE PRESIDENT

May 31, 1945

Mr. Guy B. Johnson, Exec.Director
Southern Regional Council
Room 432, 63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear Mr. Johnson:

Thank you for your letter of May 24th informing us that additional copies of Dr. Alexander's article entitled "Our Conflicting Racial Policies," which was published in Harper's Magazine for January, are available

We can use ten copies of the reprint of this article and will be glad to pay any expense involved. Will you kindly have them mailed to President Ralph P. Bridgman, Hampton Institute, Hampton, Virginia. Thank you.

Very truly yours,

M. A. Woodman
Exec. Asst. to the President.

RPB:w

10 Reprints

C-W-4-45

Atlantic Christian College
Wilson, N. C.

DEPARTMENT OF SOCIAL SCIENCE
C. H. HAMLIN

Dear S.R.G.

Without using my name kindly send a copy of the reprint, "Our Conflicting Racial Policies" by Alexander to President H. S. Hilley, Atlantic Christian College, Wilson N.C.

Thanks,

C. H. Hamlin

sent 6/1/45

301 S. Caldwell
Charlotte 2, N.C.

Will you please send me a few extra copies of Dr. W.W. Alexander's article, "Our Conflicting Racial Policies"? I should like about five if I may have that many.

Ruby Berkley

5 Reprints

HAMPTON INSTITUTE
HAMPTON, VIRGINIA

DIVISION OF SUMMER AND EXTENSION STUDY

June 2, 1945

Southern Regional Council, Inc.
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Gentlemen:

Kindly send us fifty copies of the following reprint:

"Our Conflicting Racial Policies"
by Will W. Alexander

We shall appreciate your early attention to the above request as we desire to use these copies in our Summer School which begins on June 19.

Very sincerely yours,

Wm. M. Cooper

William M. Cooper
Director of Summer Study

WMC P

50 Reprints

6/4/45

C-W-4-45

Tuskegee Institute

TUSKEGEE INSTITUTE, ALABAMA

SCHOOL OF EDUCATION
CHAS. G. GOMILLION, CHAIRMAN

June 4, 1945

Dr. Guy B. Johnson, Executive Director
Southern Regional Council, Inc.
63 Auburn Avenue, Room 432, N.E.
Atlanta 3, Georgia

Dear Dr. Johnson:

Thank you kindly for the five copies of Our Conflicting Racial Policies by Dr. Will Alexander, which were received a few days ago.

Very truly yours,

Chas. G. Gomillion

Chas. G. Gomillion, Chairman
School of Education

s

Tuskegee Institute

TUSKEGEE INSTITUTE, ALABAMA

SCHOOL OF EDUCATION
CHAS. G. GOMILLION, CHAIRMAN

May 29, 1945

Dr. Guy B. Johnson, Executive Director
Southern Regional Council, Inc.
63 Auburn Avenue, Room 432, N. E.
Atlanta 3, Georgia

Dear Dr. Johnson:

Please send to me five or six copies of the reprint "Our Conflicting Racial Policies" by Dr. Will W. Alexander.

Very truly yours,

Chas. G. Gomillion

Chas. G. Gomillion, Chairman
School of Education

s

Sent 5/31
JTM

June 7, 1945

Dr. J. Shelton Horsley
St. Elizabeth's Hospital
617 West Grace Street
Richmond 20, Virginia

Dear Dr. Horsley:

In response to your letter of May 31 to Dr. Johnson, who is out of the city at the present time, we are sending you herewith a dozen copies of the reprint of Dr. Alexander's article.

We make no charge for this reprint, but we appreciate very much your check for $1.00, which is being credited toward the expense of printing. If you have need for additional copies, please let us know and they will be mailed promptly.

Cordially yours,

Emily H. Clay

E. C.
6/7/45

ST. ELIZABETH'S HOSPITAL
617 WEST GRACE STREET
RICHMOND 20, VIRGINIA

DR. J. SHELTON HORSLEY, ATTENDING SURGEON
DR. GUY W. HORSLEY, ATTENDING SURGEON
DR. LEROY SMITH, ATTENDING SURGEON
DR. AUSTIN I. DODSON, ATTENDING UROLOGIST
DR. DOUGLAS G. CHAPMAN, ATTENDING PHYSICIAN

May 31, 1945

Mr. Guy B. Johnson
Executive Director
Southern Regional Council
Atlanta, Georgia

Dear Mr. Johnson:

I have received the reprint by Dr. Alexander and I like it very much.

I am enclosing a check for $1.00 and I shall be glad if you will send me ten copies of the reprint. 6/4

Sincerely yours,

J. Shelton Horsley

J. Shelton Horsley

JSH:S

HIGHLAND PRESBYTERIAN CHURCH
~~W. TED JONES, MINISTER~~

JOHN M. WILSON, CLERK OF SESSION
H. M. PINKSTON, SUPT. CHURCH SCHOOL

DR. J. N. ROBERTSON, CHM'N BOARD DEACONS
PAUL STEWART, TREASURER

FAYETTEVILLE, NORTH CAROLINA

June 7, 1945

Mr. Guy L. Johnson
Executive Director
The Southern Regional Council
Atlanta, Georgia

Dear Mr. Johnson:

Please change my address from Westminster Presbyterian Church, Memphis, to Highland Presbyterian Church, Fayetteville, North Carolina.

I should like to have about 25 copies of Dr. Will Alexander's article, "Our Conflicting Racial Policies" which was published in Harper's magazine for January. I will use these in connection with my work here in Fayetteville. Thanking you for your favor I am,

Sincerely yours,

Samuel E. Howie

Samuel E. Howie

25 Reprints

SEH:mr

Mrs. 6/12/45

JGS

I recommend that Eleanor secure enough copies to send to every executive secretary — as information service to them — through the Tuesday mailing. He has not made this suggestion to me. What do you think?

WC

May 24, 1945

OK
JGS

TO MEMBERS OF THE
SOUTHERN REGIONAL COUNCIL:

At a meeting of the Board of Directors on January 31, 1945, your Executive Directors were instructed to obtain reprints of an article by Dr. Will W. Alexander entitled "Our Conflicting Racial Policies," which was published in Harper's Magazine for January, and to distribute them to members of the Council. We have received permission from Harper's Magazine to make a limited number of reprints.

We shall appreciate any comment that you might like to make on Dr. Alexander's article. If you want additional copies, please let us know.

Sincerely yours,

Guy B. Johnson

GUY B. JOHNSON
Executive Director

GENERAL BOARD OF EDUCATION OF THE METHODIST CHURCH
DIVISION OF THE LOCAL CHURCH
JOHN Q. SCHISLER, EXECUTIVE SECRETARY
NATHANIEL F. FORSYTH, ASSOCIATE SECRETARY
DEPARTMENT OF GENERAL CHURCH SCHOOL WORK
WALTER TOWNER, DIRECTOR
R. B. ELEAZER
J. A. GREENE
ALLEEN MOON
METHODIST BUILDING, 810 BROADWAY,
P. O. BOX 871, NASHVILLE 2, TENNESSEE

June 11 – 45

Dear Doctor Johnson:

Our secretaries, Doctors Schisler & Towner, would like to send Dr. Alexanders article to all the field secretaries of the Board of Education, of whom there are 110. Can you send us that many? This I think will be an excellent channel for distribution.

Cordially

R B Eleazer

MWS 6/12/45

CHRISTIAN SERVICE COMMITTEE

P. O. Box 132 :-: Office: Scott Building

CHURCHES
BAPTIST
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Thomasville, Georgia

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J. S. CARTER

Please let me have this letter again after the ordinary file SBR

June 11, 1945

Southern Regional Council, Inc.
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Gentlemen:

Please send us one copy each of the following titles:

Negro Problems Confronting Nation
by Barry Bishop

Our Conflicting Racial Policies
by Will W. Alexander

Respectfully yours,

D. Z. Young

D. Z. Young
Director
Christian Service Committee

DZY:bb

Reprint

CW.
6/12/45

Dear Sirs — CW. 6/12/45 Jun 8 —

Will you kindly send 2 copies of "Negro Harlem Comfronting the South" by Barry Bishop — and reprint of "An Conflicting Racial Policies" by N. N. A — in Jan. Harpers —

We try to use to good effect. Meiziger booklet is now in use.

Louise Goodloe, YWCA
Chattanooga, Tenn.

RALPH N. DAVIS
BOX 216
TUSKEGEE INSTITUTE
ALABAMA

Southern Regional Council, Inc
63 Auburn Ave, N.E
Atlanta
Georgia

Gentlemen:

Please send me six copies of the article listed below:

"Our Conflicting Racial Policies" By Will W. Alexander. In Harper's Magazine January 1945.

Yours truly,
Ralph N. Davis

6 Reprints

CW-
6/12/45

Gentlemen: Please send me a copy of each of the following:

(1) Negro Problems Confronting Nation
Barry Bishop

(2) Our Conflicting Racial Policies
Will W. Alexander

Yours truly,
G. T. Overstreet
811 S. Frances
Terrell, Texas

6/13/45

Howard-Tilton Memorial Library
Tulane University of Louisiana
New Orleans 15

June 13, 1945

Southern Regional Council, Inc.
63 Auburn Ave, N.E.
Atlanta 3, Georgia.

Dear Sir:

Could you please send us 1 copy of each of the following publications:

Barry Bishop: Negro Problems Confronting Nation

Will W. Alexander: Our Conflicting Racial Policies

Very truly yours
Berthe T. Baker
Berthe T. Baker, SOCIAL WORK Dpt.

YOUNG MEN'S CHRISTIAN ASSOCIATION

ST. PETERSBURG, FLORIDA

BOARD OF DIRECTORS

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"—a world-wide fellowship of men and boys united by common loyalty to Jesus Christ for the purpose of building Christian personality and a Christian Society."

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MARION EDGREN, RECEPTIONIST-SECRETARY

June 14, 1945

Mr. Guy B. Johnson
Executive Director
Southern Regional Council
Atlanta, Georgia

Dear Sir:

I received and read with great interest the reprint of an article by Dr. Will W. Alexander, entitled Our Conflicting Racial Policies published in Harper's magazine for January. It is a very timely and searching article.

If as many as 25 additional copies of the article are available, I shall be glad to try to place them where they will receive attention and be appreciated. Any number which can be spared, under 25, will be useful.

Sincerely yours,

W. G. Coxhead

W. G. Coxhead
Executive Secretary

WGC:mae

25 Reprints
6/14/45

462 S. 16th. Street
Terre Haute, Ind.
June 14, 1945

The Southern Frontier
Atlanta, Georgia.

Gentlemen: — Please send me one copy of "Negro Problems Confronting Nation" by Barry Bishop and a copy of "Our Conflicting Racial Policies by Will W. Alexander In Harper's Magazine, January, 1945

Respectfully
John W. Lyda
462 S. 16th. Street
Terre Haute, Indiana

6-16-45

Southern Regional Council
Atlanta 3, Georgia

Dear Gentlemen:

Please send one copy of each

Background for Brotherhood by K. Weisiger $ .30
Negro Problems Confronting Nation by Barry Bishop
Our Conflicting Racial Policies by W. W. Alexander

6/18/45

Sincerely yours,

Fritz Giessler
Friends School
Wilmington, Delaware

enclosed .30 in stamps

C. W.

June 19, 1945

Dr. Edgar Love, Superintendent
Section of Home Missions
Department of Negro Work
150 Fifth Avenue
New York 11, N. Y.

Dear Dr. Love:

In reponse to your letter of June 12 to Dr. Guy B. Johnson, we mailed to you yesterday 300 copies of the reprint of Dr. Will W. Alexander's article "Our Conflicting Racial Policies." We are glad to supply these to you without charge.

Cordially yours,

Emily H. Clay
Secretary-Treasurer

DIVISION OF HOME MISSIONS AND CHURCH EXTENSION OF THE
BOARD OF MISSIONS AND CHURCH EXTENSION
OF THE METHODIST CHURCH

150 FIFTH AVENUE NEW YORK 11, N.Y.

SECTION OF HOME MISSIONS
DEPARTMENT OF NEGRO WORK

June 12, 1945

Dr Guy B Johnson
Southern Regional Council
63 Auburn Avenue, N E
Atlanta, Georgia

Dear Dr Johnson:

Thank you for the copy of "Our Conflicting Racial Policies" by Dr W W Alexander, a re-print from Harper's Magazine of January, 1945.

I would like to have copies of this article in quantities and am asking what would be the cost for 300?

Sincerely yours,

Edgar Love

Edgar Love, Superintendent

EL:mvc

300 Reprints
6/15/45

Publishers, The Southern Patriot
S.P.C.

1914 E. Broad Street
Richmond, Va.

6/18/45

Dear Sirs:

Enclosed is $.55 (fifty five cents for copies of the publications ABC's of Scapegoating & Background of Brotherhood.

I would appreciate having Negro Problems Confronting a Nation & Our Conflicting Racial Policies sent to me also.

Thank you,

Sarah Hirsohn

One reprint of Alexander article to:

Mr. E. B. Williams
312 Witt Building
249 Peachtree Street, NE
Atlanta, Georgia

(Requested by telephone)

I M
6/18/45

107 Kenwyn Road
Oak Ridge, Tenn.
June 20, 1945

Dear Friends:

Many thanks for the reprint of Will Alexander's article which appeared in the January issue of Harper's Magazine. I think it is excellent and therefore want you to send copies to Paul Adams and Dr. J. Jones at 447 South 3rd, Danville, Kentucky.

Sincerely,

J Livingston C.W. 6/21/45

6 copies of Reprint

for Dr. John R. Larkins
Consultant on Negro Work
The N.C. State Board of
Charities & Public Welfare
133 East Hargett St.
Raleigh, N.C.

August 14, 1945

Dr. Edgar Love, Superintendent
Section of Home Missions
Department of Negro Work
150 Fifth Avenue
New York 11, N. Y.

Dear Dr. Love:

We received a request from you on June 12 for 300 copies of the reprint of Dr. Will Alexander's article "Our Conflicting Racial Policies." On June 18, we mailed you 300 copies of this article. Are these the ones to which you are referring in your letter of August 6? Please let us hear from you concerning this matter as we are anxious to know what happened to the package.

Very truly yours,

(Mrs. Charles D. Saxon)

DIVISION OF HOME MISSIONS AND CHURCH EXTENSION OF THE BOARD OF MISSIONS AND CHURCH EXTENSION OF THE METHODIST CHURCH

150 FIFTH AVENUE NEW YORK 11, N.Y.

SECTION OF HOME MISSIONS
DEPARTMENT OF NEGRO WORK

August 6, 1945

Southern Regional Community, Inc.
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Gentlemen:

Sometime ago I wrote you requesting 100 copies of the reprint of Dr. Will W. Alexander's article: "Our Conflicting Racial Policies" appearing originally in Harpers in January. To date I have not received them.

Cordially yours,

Edgar Love

Edgar Love

EL:rml

DIVISION OF HOME MISSIONS AND CHURCH EXTENSION OF THE
BOARD OF MISSIONS AND CHURCH EXTENSION
OF THE METHODIST CHURCH

150 FIFTH AVENUE NEW YORK 11, N.Y.

SECTION OF HOME MISSIONS
DEPARTMENT OF NEGRO WORK

August 18, 1945

Mrs. Charles D. Saxon
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

My Dear Mrs. Saxon:

The request I made in my letter of August 6 for 300 copies of the reprint of Will Alexander's article "Our Conflicting Racial Policies" was a renewal of the request I made on June 12th. Shortly after I made the first request I received a notice from your office that they had been mailed but there is no record of their having been received. I trust these copies may be sent to me in time to be used in a Pastors' School at Morgan State College September 3-14. If there is any charge I will be glad to remit .

Cordially yours,

Edgar Love

Edgar Love, Superintendent

EL:rml
Dictated but not read

300 Conflicting Racial Policies

C.W.
8/24/45

Allatoona Project

January 24, 1946

Mr. W. C. Henson
Finley and Henson
Cartersville, Georgia

Dear Mr. Henson:

Thank you for your letter of January 22. I am glad that you have brought to our attention the matter of including recreational opportunities for Negroes in the Etowah River Dam Project near Cartersville.

We have on our staff a very fine colored man, Dr. H. L. Trigg. We will see Mr. Roy Wood and others here in Atlanta right away and will plan to send Dr. Trigg to Cartersville for two or three days next week so that he can help as much as possible there.

Thanking you again for bringing this to our attention, and hoping that we can be of some real service, I am

Cordially yours,

GUY B. JOHNSON,
Executive Director

GBJ:IBT

FINLEY & HENSON
ATTORNEYS AT LAW
CARTERSVILLE, GEORGIA

January 22, 1946

RECEIVED
JAN 23 1946
Southern Regional Council

Dr. Guy Johnson,
Southern Regional Counsel,

Atlanta, Ga.

Dear Sir:

The Government is building a large dam on the Etowah River near Cartersville and proposes to create a recreation area of around 50 square miles to be devoted to the use of vacationist, fishing, wild life, boating, camping, etc. and has asked the people in this region for plans for their consideration of preparing the place for these uses.

We think this an unusual opportunity for us. We have no such place within reach and we are preparing all the data and suggestions we can get and have called in the National Park Service, the Smithsonian Institute and others, hoping to present such plans that will meet the approval of the Army Engineers and get something that will be of great benefit to the people of North Georgia.

They propose to set apart a section for the use of colored people and it is my impression that there are no such facilities for them now. It would be particularly beneficial to the negroes of Atlanta as it would be a drive of only about 30 miles. Just last evening I met with local negro leaders and they are very enrhusiastic about the matter and want to do what they can to promote the project, but myself, they are not experienced in such matters and need help. I told them I would write you and seek your aid in their behalf. Have you some one in your office or some one connected with one of their college there in Atlanta that couod come up here and help them present the matter. The reports must be in by the first of March.

The Engineer in charge, Colonel Mark M. Boatner, will be here on the 30th of January, at the Bartow County Courthouse, at 10 o'clock, A. M to hear suggestions and receive plans, if any are submitted. It would be well if yo8 could get this man to come to this meeting. He would have to come a day or two ahead so he could get the feel of the thing.

Mr. Roy Wood, Glenn Building, Atlanta, is interested in fish and wild life. You might call him and he might help, I am sure he would. He is to be here on Jan. 29th to make a survey and he likely will include this area for colored people, if requested to do so. He is representing the Fish and Wild Life Service of the Dept. of Interior and is coming at the suggestion of Rep. Tarver.

I suggest you communite with Dr. W.R.Moore, here.

Yours very trult, W. C. Henson

Prof. J. S. Morgan, Principal

Mrs. Morgan pres. state P.T.A.

North Georgia Citizens Unify Plans For Allatoona Recreational Center

By WELLINGTON WRIGHT,
Constitution Staff Writer

CARTERSVILLE, Ga., Jan. 30. Development of the recreational facilities of the proposed Allatoona lake on the Etowah river near here will bring from $10,000,000 to $15,000,000 in new money each year in this area, according to estimates made here Wednesday.

At the same time it was predicted that the development would make the Allatoona area "the leading recreational center in Georgia."

Those who sponsored these predictions said they referred only to the recreational features of the development and that the estimates of new money took no account of the enormous opportunities for new business and industrial enterprises that will naturally result from the Allatoona development, with its estimated 110,000 kilowatt hours of electric power.

Such enterprises, representing the creation of new wealth in the area, they said, would run into many millions of dollars each year.

The occasion was a meeting here of delegations of leading citizens representing the north Georgia counties to discuss with Army engineers the recreational possibilities of the area. Col. Mark M. Boatner, district engineer, Mobile, presided.

Col. Boatner announced that the Army engineers will soon advertise for bids of the Allatoona dam, a $17,500,000 project.

"We are getting our final plans ready," he said, "and by March 1 we expect to ask for bids. We want to get busy and we are clearing our desks for action."

A spirit of enthusiastic unity marked the meeting. Delegations from Bartow, Polk, Cobb, Floyd, Cherokee, Fulton and Whitfield counties all spoke in favor of the maximum development of the area's recreational facilities. No one raised a voice of dissent.

Two state parks—one for whites and the other for Negroes—on the shores of the new lake are among the suggestions advocated.

In urging quick decisions on the recreational aspects of the development, Col. Boatner said: "We want action. The people in Washington are pushing us for our report."

To meet this situation, Charles A. Collier, vice president of the Georgia Power Company, suggested the appointment of a small executive committee to represent the people of the area in later conferences with Col. Boatner and his associates.

It was Collier who made the estimates about the enormous amount of new money that development of the recreational features of Allatoona will bring into the area.

Collier, in pledging 100 per cent co-operation from his company, said: "There is nothing else that you can do that will bring so much new money every year into your area."

In line with this suggestion, the delegations representing the four counties directly affected by the development met later and formed the Allatoona Area Planning Committee, with two members from each of the four counties and one member from the state at large.

Members of that committee are: Floyd county, John R. Hornaday and Jack McDonough; Cobb county, George H. McMillan, county commissioner, and F. J. Kienel; Cherokee county, J. H. Brazwell and Eugene A. McCanless; Bartow county, Robert W. Knight and John W. Dent; representing the state at large, Lee Trimble, director of the tourist panel of the Georgia Industrial and Development Board. Secretary will be Paul G. Harber, director of the Cartersville Chamber of Commerce.

Delegations from the various counties authorized this committee to represent the area in conferences with the Army engineers.

"This recreation development," said Collier, "will bring from 2,000,000 to 3,000,000 people as a minimum estimate each year into this area. It will be one of the

Continued on Page 12, Column 3.

ALLATOONA

Continued From First Page

biggest things that ever happened to Georgia."

Col. Boatner revealed that plans for the Allatoona dam are so far advanced that he has already engaged a resident engineer to supervise the job. This engineer, Charles A. Jackson, with 45 assistants, will establish his headquarters here, Boatner said.

Various delegations emphasized Col. Boatner with the desirability of building sub-impoundment dams to keep the parts of the lake at a constant level for recreational purposes.

Judge William A. Ingram, Cartersville, presented a report urging such a sub-impoundment dam on the Etowah near where U. S. 41 now crosses the river.

F. J. Kienel, Acworth, urged a similar dam on Proctor's creek, and Eugene A. McCanless, Canton, spoke in favor of another such dam near Canton.

Judge Ingram said that the dam he proposed would maintain a constant level lake of 3,300 acres. (The total area of Allatoona lake at high water will be 20,300 acres.)

Both Kienel and McCanless, speaking for their sections, agreed to abide by the decisions of the engineers.

Col. Boatner said he was sympathetic with proposals for such sub-impoundment dams, but that the determining factors would be cost and how these dams would affect the volume of electric power produced at the main dam.

To meet the latter objection, Eugene McCanless, Canton, said he would sponsor an immediate engineering survey to prove that the loss of electric power at the main dam would be very small as a result of the subimpoundment dams to create the proposed constant-level lakes.

"The increased volume of business that these constant-level lakes would create," said McCanless, "would more than compensate the government for the loss in the volume of electric power. In other words, the government would gain more than it would lose."

After a luncheon at the Hotel Braban at which the local chamber of commerce entertained the visiting delegations, Col. Boatner and his associates remained here for the night to confer with interested citizens.

Spokesmen for the various county delegations included: Judge C. C. Pittman, Cartersville, in charge of arrangements for the meeting; W. C. Henson, Cartersville, who introduced the speakers; McCanless, Canton, for Cherokee county; Mrs. Catherine Knight, Cartersville, for the P.-T. A.; Kienel, Acworth; Roy K. Willard and David J. Booth, for the U. S. Fish and Wildlife Service; John R. Hornaday, editor of the Rome News-Tribune, representing the Alabama-Cooca Development Association; George H. McMillan, county commissioner, Cobb county; Stafford Brooks, Whitfield county; E. L. Beach, of the flood control section of the soil conservation service; M. M. Dejarnette and L. M. Parks, of the state department of health; Arthur Neal, county commissioner of Bartow county; Milton Fleetwood, editor of the Cartersville New - Tribune; Fred Starr, Dalton, representing the 11 counties in the Scenic Northwest Georgia Committee; H. W. Oliver, of the state parks department; H. M. Crane, city manager of Cartersville, and L. C. Hulsey, Rockmart, representing the Polk county delegation.

Beatrice Morgan spoke on behalf of the Negroes of Bartow county and urged the establishment of the proposed state park for Negroes.

F. F. Gatlin and R. O. Harris, civilian assistants to Col. Boatner, were present, as were Maj. J. T. DeJarnette and Maj. K. B. Simmons, representing Brig. Gen. James B. Newman, division engineer of the corps of Army engineers, Atlanta.

near here will bring from $10,000,000 to $15,000,000 in new money each year in this area, according to estimates made here Wednesday.

At the same time it was predicted that the development would make the Allatoona area "the leading recreational center in Georgia."

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In urging quick decisions on the recreational aspects of the development, Col. Boatner said: "We want action. The people in Washington are pushing us for our report."

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Continued on Page 12, Column 3.

ALLATOONA

Continued From First Page

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To meet the latter objection, Eugene McCanless, Canton, said he would sponsor an immediate engineering survey to prove that the loss of electric power at the main dam would be very small as a result of the subimpoundment dams to create the proposed constant-level lakes.

"The increased volume of business that these constant-level lakes would create," said McCanless, "would more than compensate the government for the loss in the volume of electric power. In other words, the government would gain more than it would lose."

After a luncheon at the Hotel Braban at which the local chamber of commerce entertained the visiting delegations, Col. Boatner and his associates remained here for the night to confer with interested citizens.

Spokesmen for the various county delegations included: Judge C. C. Pittman, Cartersville, in charge of arrangements for the meeting; W. C. Henson, Cartersville, who introduced the speakers; McCanless, Canton, for Cherokee county; Mrs. Catherine Knight, Cartersville, for the P.-T. A.; Kienel, Acworth; Roy K. Willard and David J. Booth, for the U. S. Fish and Wildlife Service; John R. Hornaday, editor of the Rome News-Tribune, representing the Alabama-Cooca Development Association; George H. McMillan, county commissioner, Cobb county; Stafford Brooks, Whitfield county; E. L. Beach, of the flood control section of the soil conservation service; M. M. Dejarnette and L. M. Parks, of the state department of health; Arthur Neal, county commissioner of Bartow county; Milton Fleetwood, editor of the Cartersville New - Tribune; Fred Starr, Dalton, representing the 11 counties in the Scenic Northwest Georgia Committee; H. W. Oliver, of the state parks department; H. M. Crane, city manager of Cartersville, and L. C. Hulsey, Rockmart, representing the Polk county delegation.

Beatrice Morgan spoke on behalf of the Negroes of Bartow county and urged the establishment of the proposed state park for Negroes.

F. F. Gatlin and R. O. Harris, civilian assistants to Col. Boatner, were present, as were Maj. J. T. DeJarnette and Maj. K. B. Simmons, representing Brig. Gen. James B. Newman, division engineer of the corps of Army engineers, Atlanta.

Etowah Development

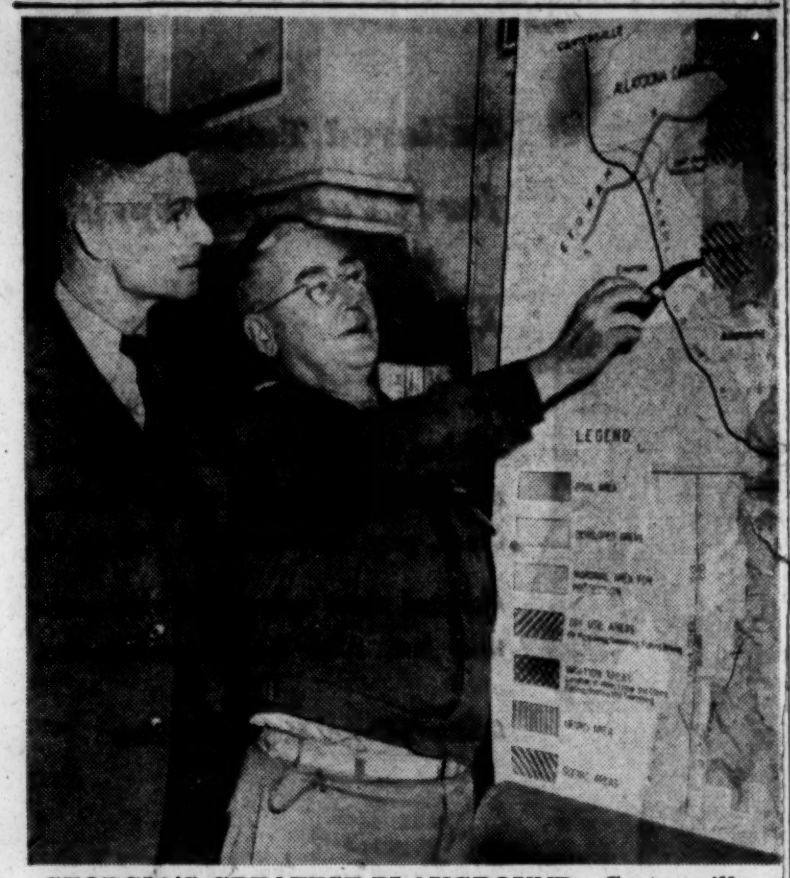
WASHINGTON, Jan. 30.—(AP)—The National Park Service is recommending large-scale recreational development along the Etowah river in Georgia in connection with the building of the Allatoona dam near Cartersville.

Thomas J. Allen, regional park service director, advised Rep. Tarver, Democrat, Georgia, Wednesday his agency recommended establishment of a state park, a Negro park, community-sponsored picnicking, boating and swimming areas, and group camping sites.

Under plans suggested by Allen, each park would contain a museum, amphitheater, vacation cabin colony, boat docks, bathing facilities and picnicking areas. Also proposed for the state park are a lodge, fisherman's village and game area.

The proposed museums would include geological, archeological and nature-study exhibits of the immediate section.

Limited day use facilities are recommended convenient to Cartersville and Canton, whose citizens, Allen said, "should be prepared to contribute in some form to obtaining these special facilities."



GEORGIA'S GREATEST PLAYGROUND—Cartersville, Ga., Jan. 31.—Colonel Mark Boatner, right, district Army engineer from Mobile, maps the area where plans are being made to develop a great recreational project. Judge Claude Pittman, of Cartersville, looks on in approving fashion.—Journal Photo by Guy Hayes.

FUN FOR MILLIONS

Etowah Playground Project Group Named

Recreation Area, Hour's Drive From Atlanta, Would Be Largest of Its Kind in Georgia

By HUGH PARK, Journal Staff Writer

CARTERSVILLE, Ga., Jan. 31.—"If I'm dreaming," said Mrs. Fred Knight, Cartersville Parent-Teacher Association representative, "I hope no one will ever wake me up."

Mrs. Knight was one of the two women present at the meeting of approximately 150 northwest Georgians gathered here to prepare the greatest playground that Georgia adults and children have ever known. She had heard speakers draw fine pictures of the $17,400,000 dam on the Etowah River; of cabins lining the clear blue waters of its lake; of quail-hunters trailing their dogs in its game preserves, and of boats and black bass, and tired people getting a rest from the city. But so far they were only pictures.

All the people present had seen the indecision, yet they wanted to please Colonel Mark Boatner, district Army engineer from Mobile, and didn't know exactly how to go about it.

"We Need a Committee"

For two hours they watched the fate of the vast playground—thousands upon thousands of acres affording forgetfulness and health—waver until Charles A. Collier, vice president of the Georgia Power Company, got up and said, "Colonel Boatner, what we need here is the appointment of a committee—brains, if you please—to work with you, secure funds if they are necessary, and see that this recreational project is realized."

Funds for the dam and the 20,000-acre lake already have been approved by Congress. The bids will be advertised sometime in March. The question now was the playground, a site within an hour's drive of Atlanta and one which could serve 1,000,000 Georgians alone.

The section that the dam on the Etowah and the recreation area would cover possesses more varied, interesting history than any other in the state. Along its twisting, hill roads Sherman marched to the sea. Near Cartersville rises the Etowah Mounds, built before Christopher Columbus was born, and the second largest in the United States. Swinging around the mounds is a moat, 25 feet deep and 100 feet wide. The warrior Cherokees drove out an Indian tribe at the beginning of the sixteenth century and the vanquished told them that the mounds had been built long before by a people they themselves had conquered and who had lived in northwest Georgia between 1,000 and 1,400 A. D.

The Smoky Mountain Park, in Tennessee and Carolina, is near no such thickly populated area as the Georgia project. But in 1940 four and a half million persons visited the Smoky Mountain Park. Mr. Collier conservatively estimated that 2,000,000 tourists and Georgians would camp in the Allatoona preserves annually. If they stayed only overnight, that would mean a $10,000,000 income.

Boatner Is Receptive

Colonel Boatner was receptive to all the suggestions for drawing tourists and for providing recreation for the people from Rome on the west, Dalton on the north, Gainesville on the east and Atlanta on the south.

But they needed a definite plan, the colonel and other spokesmen emphasized again. As representatives from Bartow, Cherokee, Cobb, Whitfield, Polk and Fulton thought this over, a heroic Negro woman, representing the Negroes of northwest Georgia, read a paper to the assemblage in a slightly tremulous voice, detailing to them what the Negro park, part of the project, but separate from the white, would do for Negro youth.

"It would be a wholesome place for them to go," she said in conclusion. The delegates applauded her as she went to her seat, and an elderly Negro preacher, one of the three Negroes present, thanked the Government and the white men present for the privilege of appearing before them.

Cartersville city manager, Herbert Crane, put the motion that a permanent committee be set up to work out the details of the recreational project with the engineers. Some of the delegates proposed delay, but then slowly, the session swung toward acting now.

Committee Named

Appointed to the new Allatoona Area Planning Committee were: From Floyd County, John R. Hornady and Jack McDonough; Cobb, George H. McMillan and F. J. Kienel; Cherokee, J. H. Bagwell and E. A. McCanless, and Bartow, Robert W. Knight and John W. Dent. These four counties are the ones most directly affected by the Allatoona project.

Lee S. Trimble, of the tourist panel of the Georgia Agriculture and Industrial Board, was named a representative from the state at large, and Paul T. Harber, secretary of the Cartersville Chamber of Commerce, was named secretary of the committee. Mr. Dent and Mr. McMillan were elected cochairmen.

HLTrigg
February 4,1946

MEMORANDUM ON ALLATOONA PROJECT, ETOWAH RIVER, CARTERSVILLE, GEORGIA

Colonel Mark M. Boatner
Courthouse, Wednesday 10 A.M.

Mr. W. C. Henson, of
Finley and Henson

Call Mr. Frank Dix, Colored Scouts, JAckson 4423
WAlnut 0187

See Bullock, Vocational Agriculture, 4-H

Mr. J. S. Morgan, Principal
Mrs. J. S. Morgan, President, State PTA

Dr. W. R. Moore

Meet Mr. Roy Wood, Fish and Wild Life Service
U. S. Department of Interior
Room 526
10 Forsyth Street
Monday, Jan.28, 8:45

Wa. 4121, Extension 376

Mr. Wood will meet interested Negro leaders Tuesday morning.
Call Mr. Wood Monday night at Hotel. Get map, plans.

Address U. S. Engineers
Allatoona Project
Describe area from - to public good.
50 Square miles
Get high ground close to water at lowest possible level of basin
or on <u>sub-impoundment</u> edge

F. S. Kienel - Acworth

<u>Sub-impoundment</u> - dam where Allatoona and Proctor Creeks converge give two separate arms by one dam. Two creeks run out of N. W. Cobb into Bartow.

Ward Harrison, Director
State Parks, Historical Sites and Monuments
WAlnut 2279, Capitol. Call Tuesday, January 29.

See Mr. Dix, Saturday 10 A.M., C and S Nat'l Bank Building, across from side of Muse's.

See Cochran re Hope Park

Authority
Flood Control Act
December 22, 1944

1-30-46
Public Law 534 - 78th Congress
Chapter 665 - 2nd Session
H. R. 4485

Control - War Department
Chief of Engineers

TO THE UNITED STATES ENGINEERS
Allatoona Project
Cartersville, Georgia

Gentlemen:

Representing the Negro citizens of Cartersville and Bartow County, we are grateful for the opportunity to present to you this request for a portion of the recreational area which is planned in connection with the construction of a power dam on the Etowah River in the proximities of Cartersville, Georgia, or any subsidiary dam which may be desirable.

Such a facility will provide and insure the much needed improvement of health for our people in this region and thereby contribute to the general health and welfare of the entire region. It will also promote the development of high moral character in providing wholesome outdoor recreation.

There are 4209 Negroes in Bartow, 6280 in Cobb, 1298 in Paulding, and 897 in Cherokee Counties. Within a 50-60 miles radius of Cartersville there are 172,305 Negroes. Many of these would consider it a privilege to use these proposed facilities.

We therefore beg to submit the following request for:

A minimum of 50 acres of land with a shore of 3520 yards along the lake formed by whatever water impoundment provides the more desirable recreational area if and when such is constructed, together with surfaced access roads, water and sanitary facilities; camp sites for 4-H Clubs, New Farmers of America, Boy and Girl Scouts, and any other properly supervised camping organizations; also picnic areas and equipment; parking areas; boat docks; and space for commercial enterprises to the extent necessary to meet the reasonable needs of the public and conducted by Negro concessioners to whom leases are granted.

We are sure that all of our people in this region will be deeply grateful for your generous consideration.

We thank you again for this privilege.

Respectfully yours,

Colored Parent Teacher Association
Progressive Civic League

by
1._____

2._____ _____

POPULATION BY RACE IN GEORGIA COUNTIES WITHIN A

50-60 MILE RADIUS OF CARTERSVILLE

(1940 U. S. Census)

County	Total	White	Negro	Other
1. Bartow	25,283	21,073	4,209	1
2. Chatooga	18,532	16,720	1,811	1
3. Cherokee	20,126	19,229	897	
4. Cobb	38,272	31,990	6,280	2
5. Dawson	4,479	4,415	64	
6. DeKalb	86,942	72,973	13,963	6
7. Floyd	56,141	47,503	8,637	4
8. Forsyth	11,322	11,281	41	
9. Fulton	392,886	269,743	123,063	80
10. Gordon	18,445	17,242	1,203	
11. Haralson	14,377	12,853	1,524	
12. Murray	11,137	10,756	381	
13. Paulding	12,832	11,534	1,298	
14. Pickens	9,136	8,656	480	
15. Polk	28,467	23,698	4,756	13
16. Walker	31,024	28,789	2,235	
17. Whitfield	26,105	24,640	1,463	2
Total 17	805,506	633,092	172,305	109
Total for State of Georgia - 159 counties	3,123,723	2,038,278	1,084,927	518

File

February 6, 1946

Honorable W. C. Henson
Cartersville
Georgia

Dear Mr. Henson:

I am deeply grateful to you for your letter of February 2. I am more and more convinced that one outstanding leader in every community of our region who has the moral courage manifested by you can do more to produce desirable human relations than any other factor in the community. All of us here in the office were quite pleased with the news article concerning the reception accorded the presentation of Mrs. Morgan.

I have consulted Dr. Johnson, Director of the Southern Regional Council, concerning the suggestion in the last paragraph of your letter, and he wishes me to assure you that we shall be happy to work on this matter. There are some Negro leaders in this community who are able and willing to give this project every consideration since it is so close to Atlanta. If I do not hear from you to the contrary, we will go ahead and work up some definite plans with the technical advice of Mr. Roy Wood of the United States Fish and Wild Life Service, whose office is here. Please make any suggestions which you would consider valuable to us.

With best wishes for your continued success, I am

Yours very truly,

HAROLD L. TRIGG
Associate Executive Director

HLT:jm

FINLEY & HENSON
ATTORNEYS AT LAW
CARTERSVILLE, GEORGIA

Feb. 2, 1946

Called him 2-16 10:45 a.m. 11:45 said meet today

Rec'd Feb. 4

Dr. Harrold L. Trigg,

Atlanta, Ga.

Dear Sir:

Your favor of the 1st received for which I thank you,

A fine start has been made in the creation of recreational facilities in connection with the Allatoona project, but some definite plans and specifications should be drawn and submitted to the U. S. engineers. The meeting was held here on the 30th of Jan. for this object, but most of the suggestions were of a general nature and need working into detailed plans. One of the best outlines made according to some who were there was the one submitted by the colored people here. This report was read by Mrs. Beatrice Morgan. I presided and introduced her as Mrs. J. S. Morgan and so far as I know it is the first time a Negro here. has been introduced as Mrs. to a white audience, ~~xxxxxxxxxxxxxxxx~~

Mr. Wood came after you ~~came~~ were here and met with them and helped them work out their plan. If the Regional Council or some other organization or group of organizations in Atlanta could get together and work out detailed suggestions and submit it to the engineers by March the first I think it would be of mat rial aid to them in providing badly needed places for colored people. Many things have to be considered, the topography of the land, the rise and fall of the water, etc. and only a competent staff can do all this.

Yours very truly,

W. C. Henson

H

SUMMER HILL HIGH SCHOOL

J. S. MORGAN, PRINCIPAL

CARTERSVILLE, GEORGIA

February 7, 1946

Recd Feb. 10

Dr. Harold L. Trigg
Associate Executive Director
Southern Regional Council
Atlanta, Georgia

Our dear Dr. Trigg:

Send copy

We are sure that you read in both the Atlanta Constitution and the Atlanta Journal about the prestige given the Negro committee on the occasion of the Allatoona Dam Project meeting here in Cartersville, January 30. We are proud to tell you that our own home paper spoke of us in a more fitting manner. It will interest you to know the reading of our report by Mrs. B. E. Morgan was applauded more -- far more than any other report rendered.

Deeply sensitive of the part you played in making our report out standing, significant and impressive, our committee takes this method to express to you a whole-hearted appreciation for the help rendered. We want that you should know this kindness and interest will ever be ours to remember and cherish.

We pledge you our fondest hope and eager anticipation that the Southern Regional Council's work will be crowned with success by the contribution you are able to make.

We are very kindly yours,

(Representing the Committee)

W. R. Moore

W. R. Moore

B. E. Morgan

B. E. Morgan

J. S. Morgan

J. S. Morgan

Allatoona Project

February 14, 1946

Dr. W. R, Moore
Box 511
Cartersville, Georgia

Dear Dr. Moore:

I wish to thank you for your letter of February 4 which was finally received here on February 13, and for the letter of February 7 from you, Mrs. Morgan, and Professor Morgan. May I assure all three of you that it was a pleasure to help you. I think you had the opportunity to do a wonderful job, and I am sure you did it well. Would you be kind enough to send me a clipping from the Cartersville paper which reported the proceedings at the hearing?

I am now trying to interest some Atlanta people in the project in order that they may be ready to express their wishes on March 1.

It was a pleasure to meet you and Professor Morgan and to see the fine spirit which you are putting into community affairs. I am sorry that I missed Mrs. Morgan, and hope to meet her on some subsequent visit to Cartersville.

With kindest good wishes, I remain

Yours very sincerely,

HAROLD L. TRIGG
Associate Executive Director

HLT:jm

W. R. MOORE, M. D.
410 N. BARTOW ST.
RESIDENCE PHONE 439 CARTERSVILLE, GA. OFFICE PHONE 439

Bot 511

For .....

Address ..... Date .....

℞

Well, I wrote you some time or some few days ago but you see somehow I failed to fully address the letter. (Find enclosed) Did you get a letter from me thanking you for service rendered?

Yours W. R. Moore

Have Filled by
GILREATH-CHAMPION DRUG CO.
"A Safe Drug Store"

..... M. D.
Reg. No. 2888

W. R. MOORE, M. D.
CARTERSVILLE, GA.

Rec'd Feb 13

2-4-46

Dr Harold S. Trigg.
Assistant Executive Director
Soc Reg. Council Inc.
Atlanta Ga

My Dear Director Trigg:
I have just received your very kind letter. I wish that you know that I am indeed, glad that I was in position to render you said kindness - but want that you remember that the debt of kindness due, is entirely in the other side, you are the Doll deserving all kindness. I am certainly sincerely glad that I had the pleasure of meeting you and I want that you ever know that your valuable service rendered the committee in the capacity in question will ever be held dear to - both myself and my committee. Your document was heard in applause by the lady at Court House when read by Mrs Morgan under Sycamore Tree, Prof. Morgan and myself on behalf of the committee of Lodge, are expressing our whole-hearted appreciations to you for what you have meant to us, wishing you an abundant success in your field of labor

Yours Very Kindly W.R. Moore

SUMMER HILL HIGH SCHOOL

J. S. MORGAN, PRINCIPAL

CARTERSVILLE, GEORGIA

February 15, 1946

Dr. Harold L. Trigg
Southern Regional Council
63 Auburn Avenue
Atlanta, Georgia

My dear Dr. Trigg:

We still hold pleasant memories of your most profitable visit to our city. Again I am thanking you for the very helpful guidance which you gave to us in the preparation of our proposal to United States Engineers of the Allatoona Project.

In order that you may know the reaction of the proposal, as stated by one of the local editors, I am sending to you a clipping from the Tribune News, Bartow' County's leading weekly paper.

With best wishes, I am

Sincerely,

J. S. Morgan

J. S. Morgan

1-30-1946

Negro Citizens Offer Proposal At Recent Meet

Give Reasons To Col. Mark Boatner Why They Should Be Included

Among the interesting proposals submitted to the delegates assembled in Cartersville last week to study the recreational aspects of the Allatoona dam was one presented by the colored citizens of Bartow county.

Read to the group by Beatrice Morgan, president of the Georgia Congress of Parents and Teachers for colored schools, the submitted proposal not only contains some illuminating facts, but likewise it is evident of some careful, detailed study on the part of local colored citizens.

The Tribune-News takes pleasure in printing the report in full below:

Cartersville, Georgia
January 30, 1946.

To The United States Engineers
Allatoona Project,

Cartersville, Georgia

Gentlemen:

Representing the Negro citizens of Cartersville and Bartow County, we are grateful for the opportunity to present to you this request for a portion of the recreational area which is planned in connection with the construction of a power dam on the Etowah River in the proximities of Cartersville, Georgia, or any subsidiary dam which may be desirable.

Such a facility will provide and insure the much needed improvement of health for our people in this region and thereby contribute to the general health and welfare of the entire region. It will also promote the development of high moral character in providing wholesome outdoor recreation.

There are 4,209 Negroes in Bartow, 6,280 in Cobb, 1,298 in Paulding, 897 in Cherokee counties. Within a 50-60 mile radius of Cartersville there are 172,306 Negroes. Many of these would consider it a privilege to use these proposed facilities.

We, therefore, beg to submit the following request for:

A minimum of 50 acres of land with a shore of 3,520 yards along the lake formed by whatever water impoundment provides the more desirable recreational area if and when such is constructed, together with surfaced access roads, water and sanitary facilities; camp sites for 4- Clubs, New Farmers of America, Boy and Girl Scouts and any other organizations; also picnic areas and equipment; parking areas; boat docks; and space for commercial enterprises to the extent necessary to meet the reasonable needs of the public and conducted by Negro concessioners to whom leases are granted.

We favor the establishment of a sub-impoundment on the Allatoona Creek which would provide a stable water area and thereby make it possible to achieve the greatest recreational benefits from the project. Should this sub-impoundment be constructed, it is requested that the recreational are mentioned in this project be located on this sub-impoundment.

We are sure that all of our people in this region will be grateful for your generous consideration.

We thank you again for this privilege.

Respectfully yours,

Bernice Parks, President Summer Hill Parent-Teacher Association; Beatrice Morgan, President Georgia Congress of Parents and Teachers; J. F. Anderson, President, Cartersville Progressive Civic League; J. S. Morgan, W. R. Moore, Rev. Rosamond Kay, Committeemen.

Need stable water surface if area is to provide adequate recreation possibilities.
Need sub impoundment - if & when it comes - 3-5 mile front on lake.
Wait until lake forms before building anything.
Any building must be 11 ft. higher than (45 year) flood run.

FINLEY & HENSON
ATTORNEYS AT LAW
CARTERSVILLE, GEORGIA

Feb. 16, 1946

Rec'd 2-18

Dr. Harold L. Trigg,
Southern Regional Council, Inc.,

Atlanta, Ga.

Dear Sir:

I am mailing you a map of the Allatoona Dam Area and trust it reaches you all right.

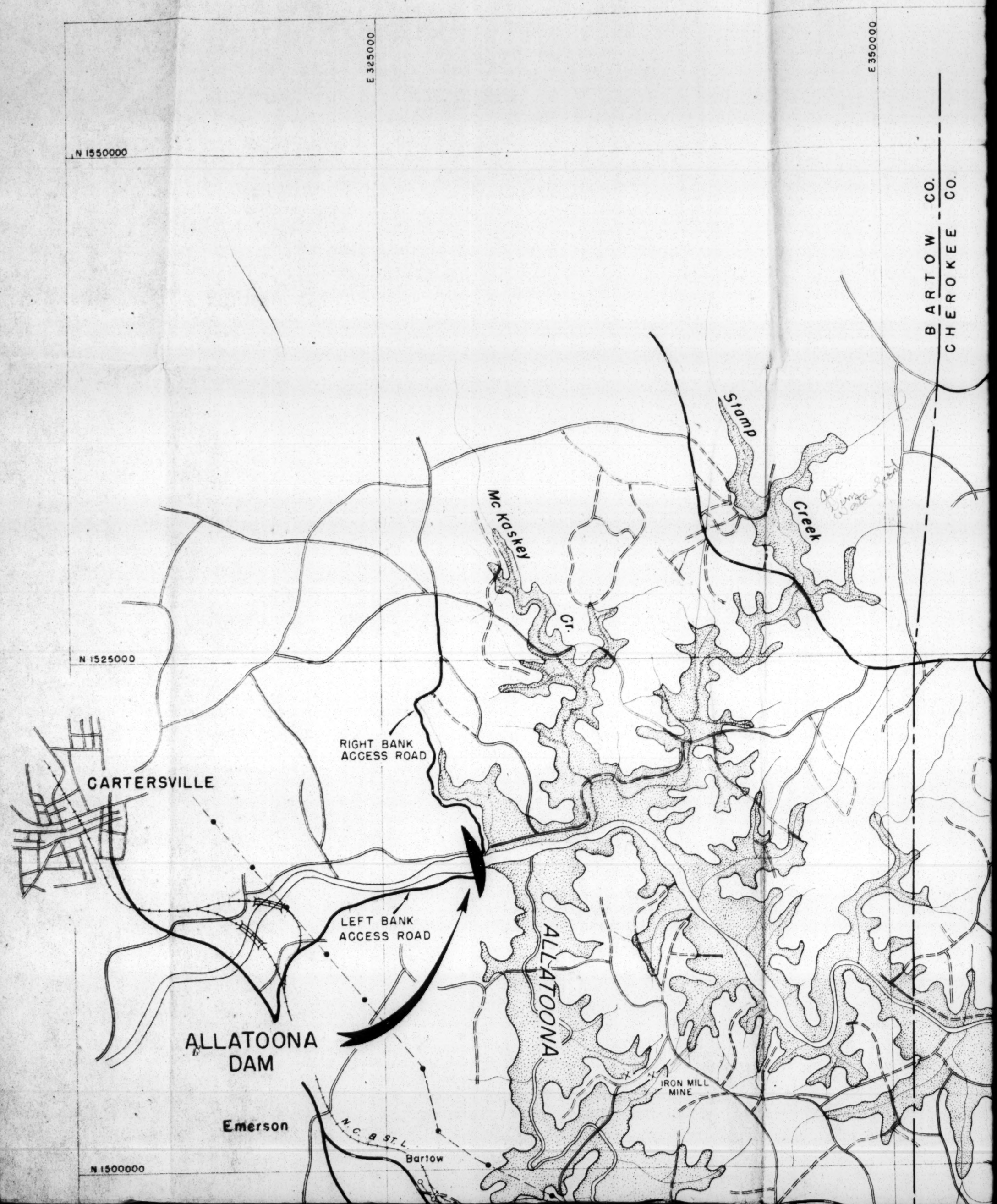
There is one suggestion I might make, something likely that has occurred to you, and that is a site should be selected where the land is steep for if it is located on a comparatively level or rolling s pot, when the eater recedes it will leave a wide space of muddy lands, useless for recreation. The steeper it is the less trouble this will give. My information is that the water will vary considerably between seasons and a place to be used for swimming, boating, etc. should be on high steep hill sides.

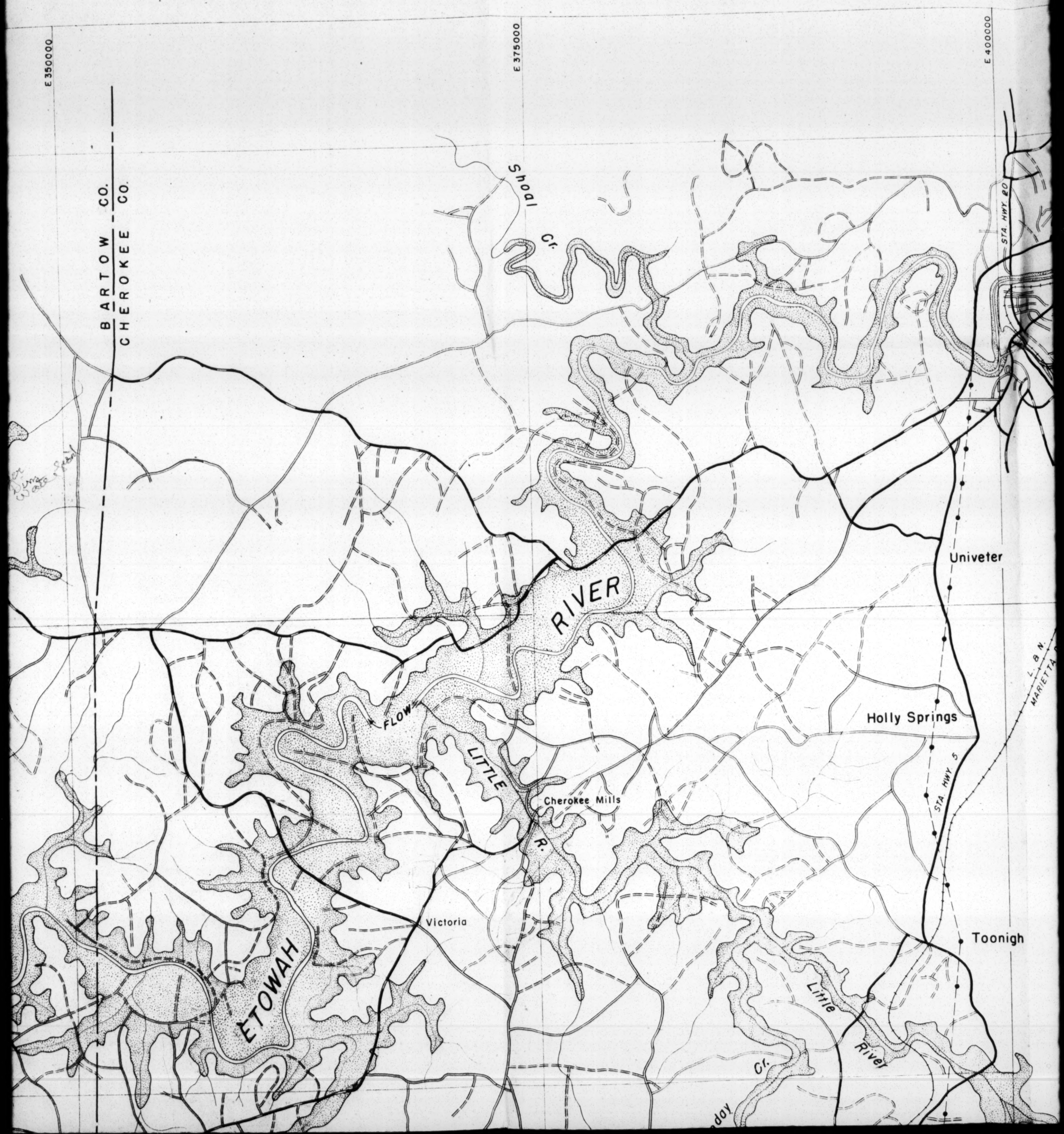
Yours very truly,

W. C. Henson

H

WAR DEPARTMENT

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BARTOW CO.
CHEROKEE CO.
Shoal Cr.
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RIVER
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Holly Springs
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LITTLE
Cherokee Mills
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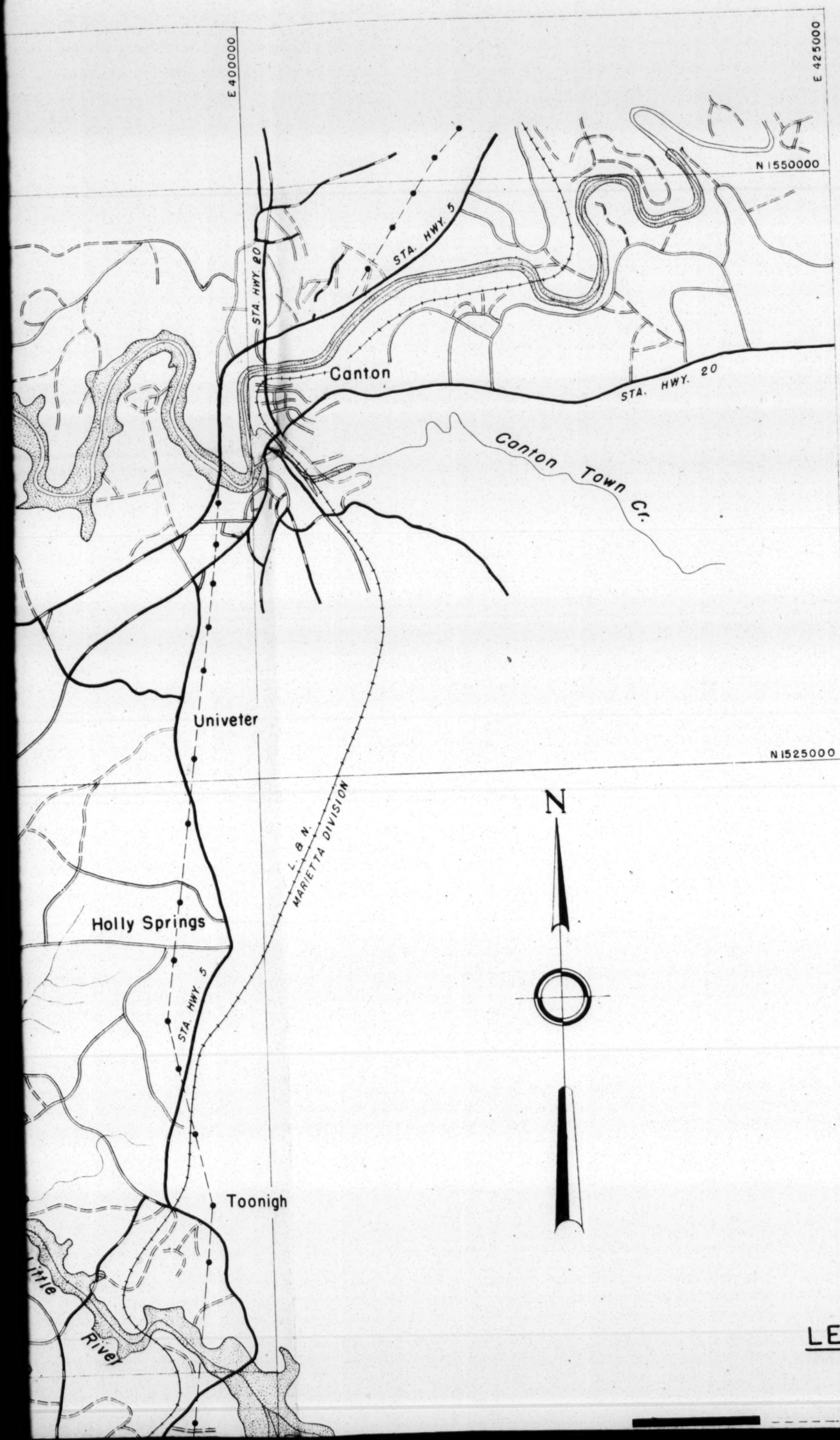


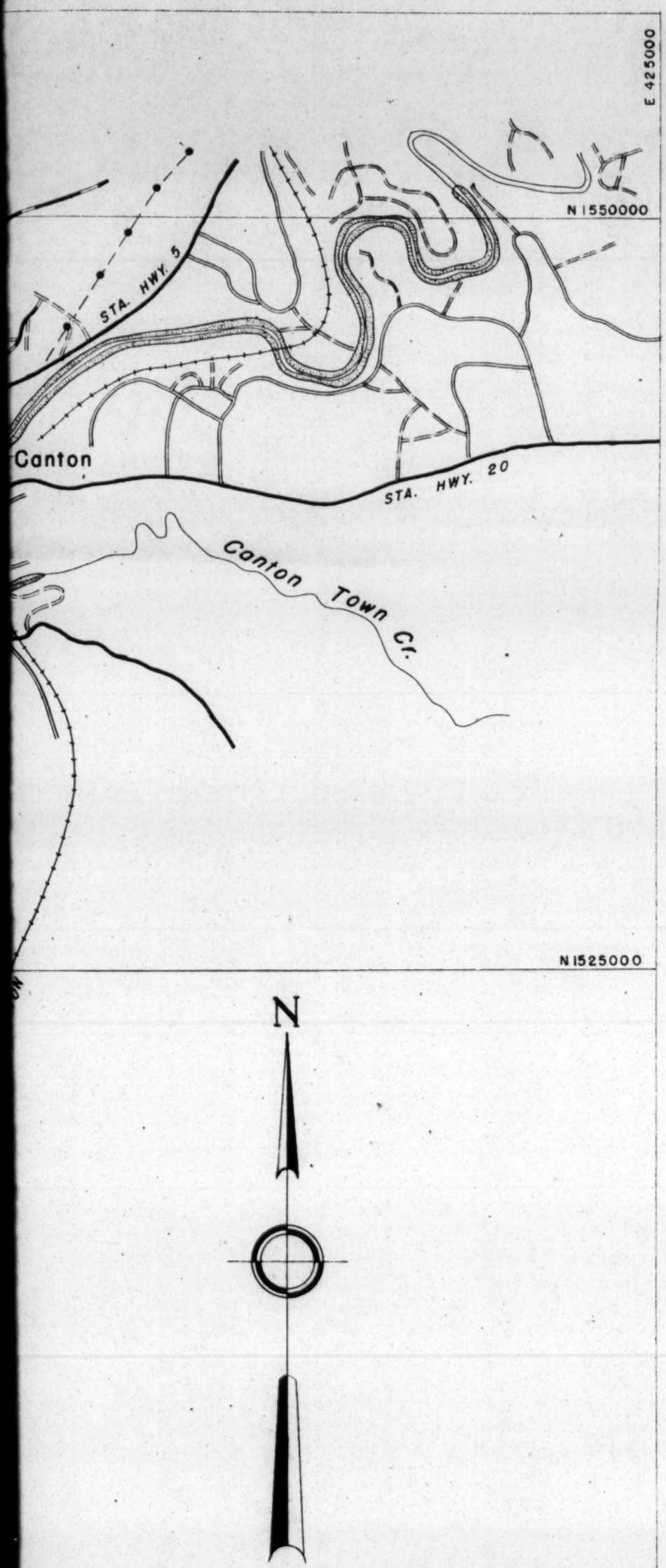
LOCATION MAP

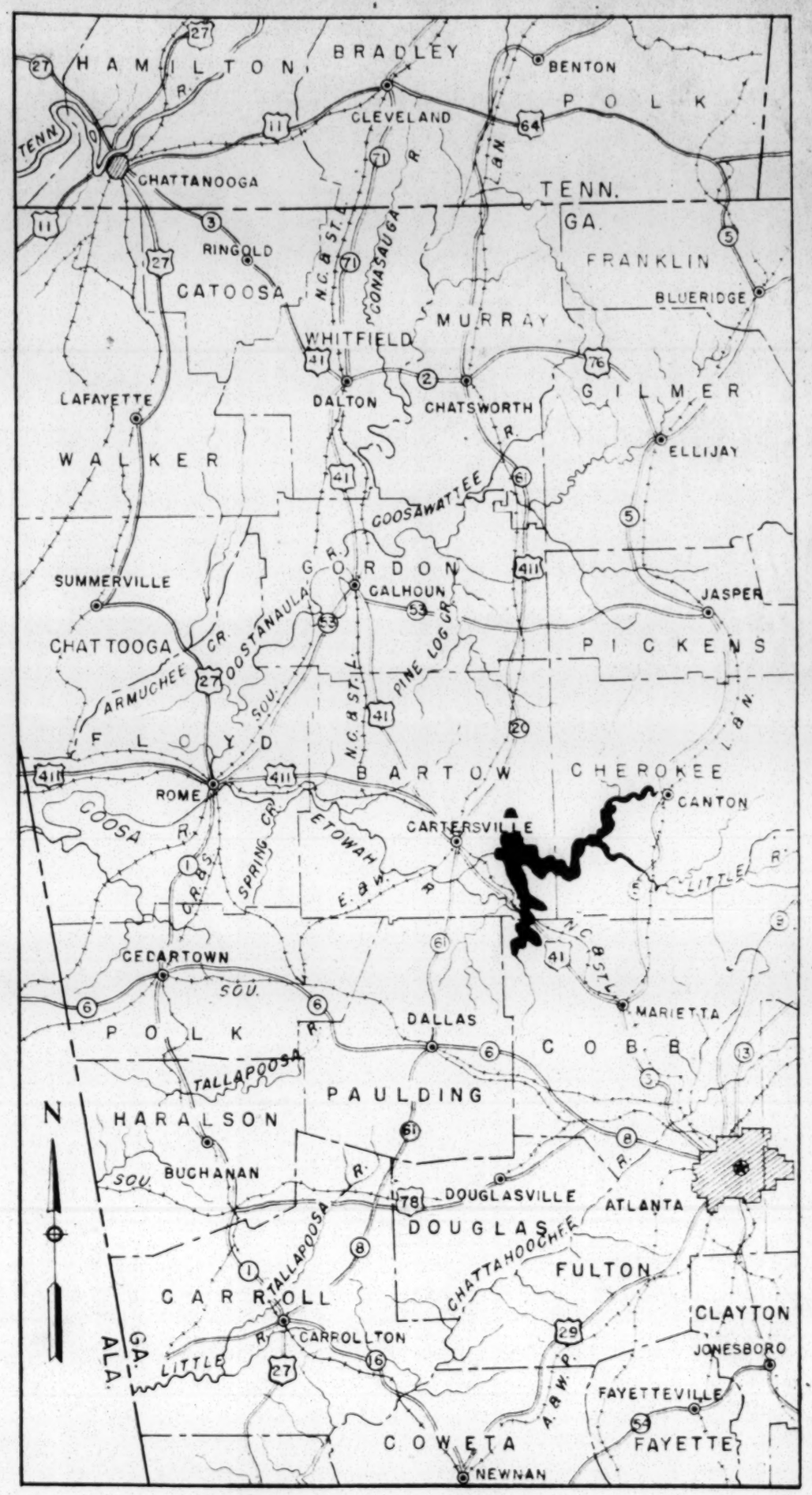
SCALE IN MILES

10 5 0 10

LEGEND

HARD SURFACED ROADS





LOCATION MAP

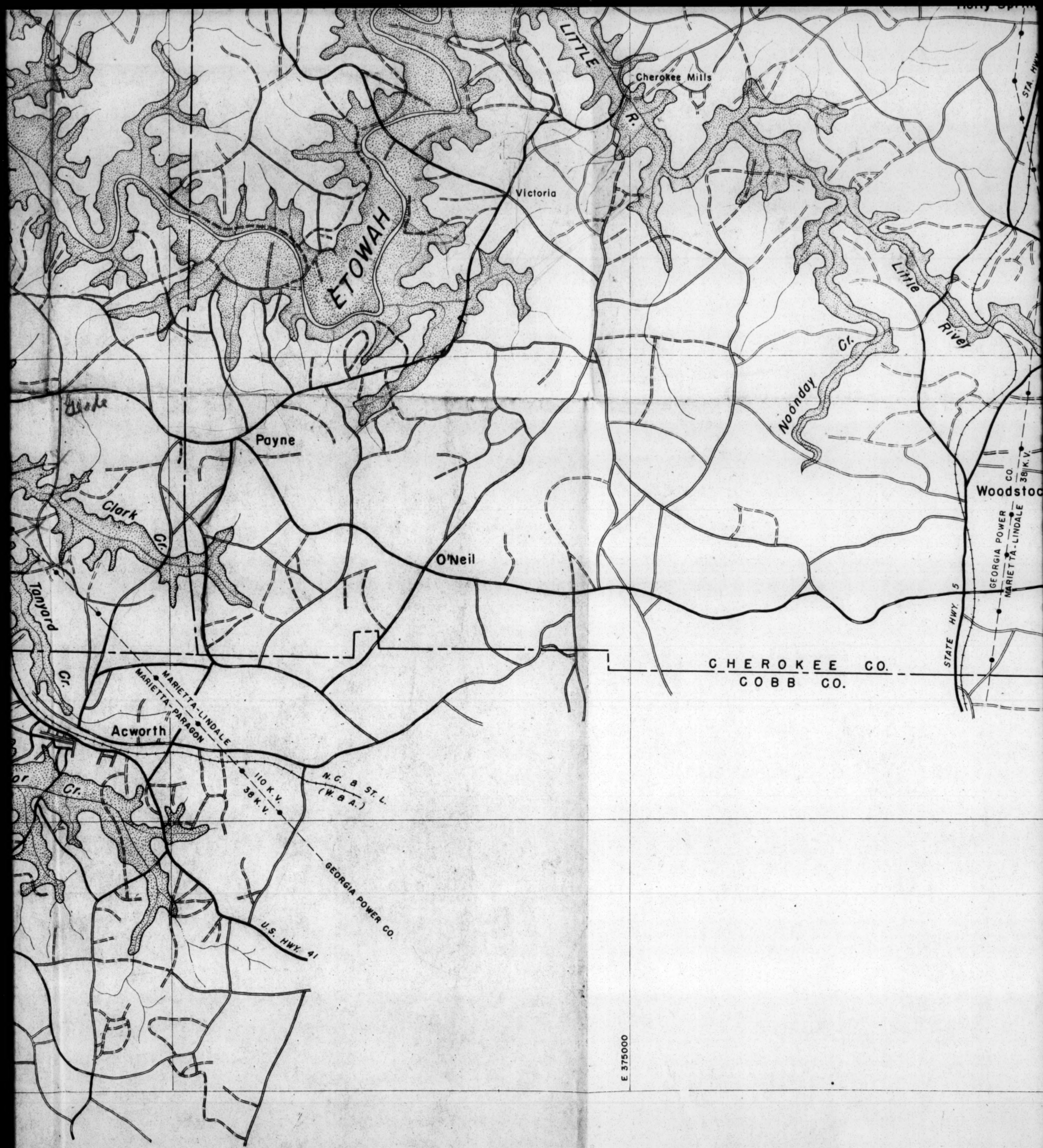
SCALE IN MILES

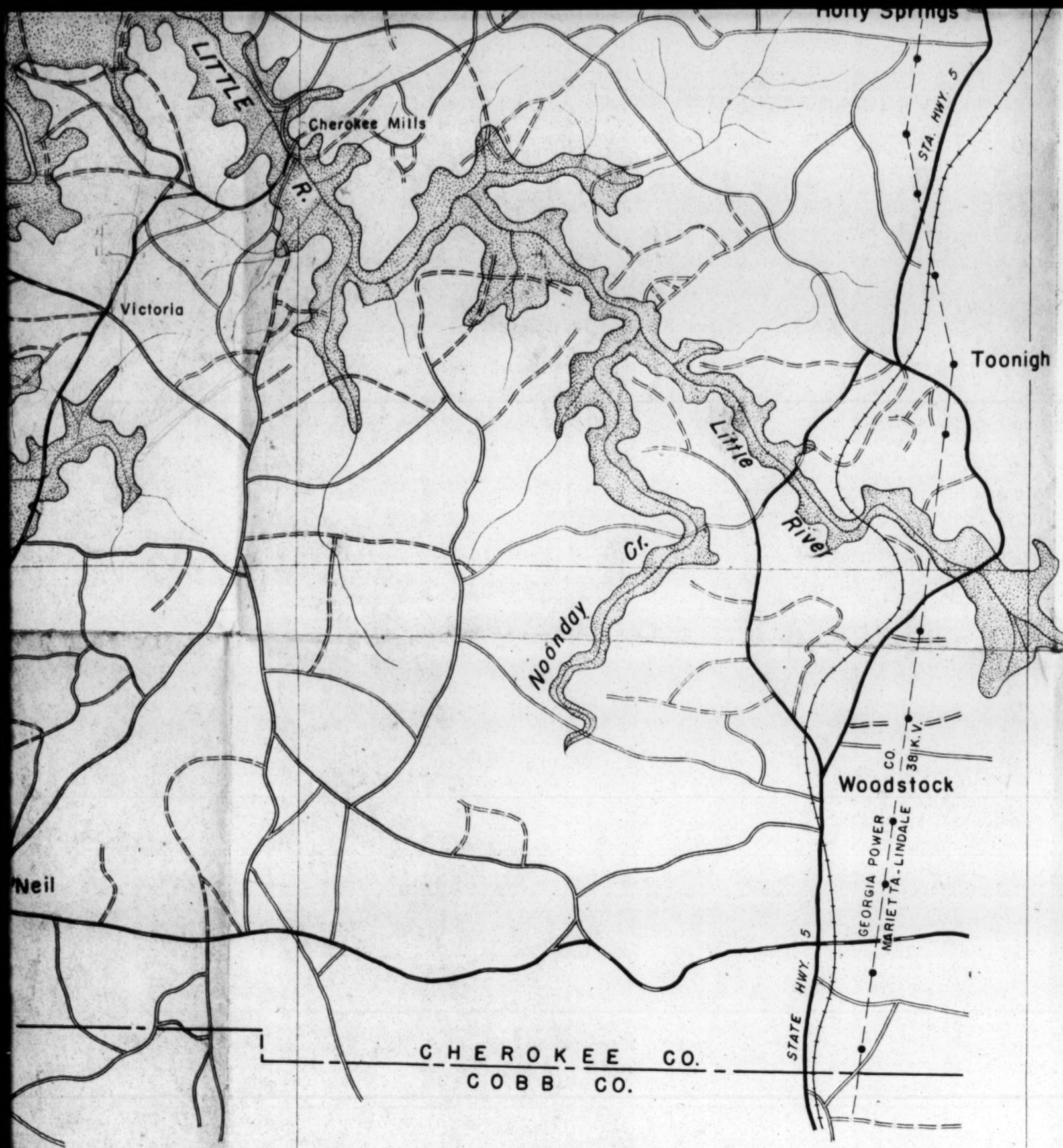
10 5 0 10 20

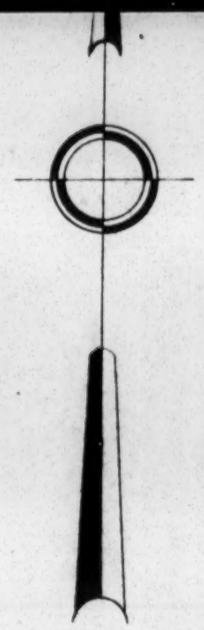
LEGEND

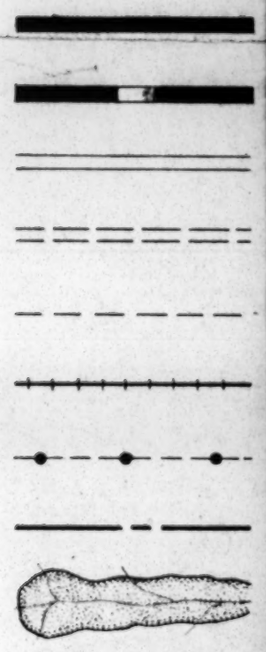
HARD SURFACED ROADS

LEFT BANK
ACCESS ROAD
ALLATOONA
DAM
ALLATOONA
IRON MILL
MINE
Emerson
N.C. & ST.L.
Bartow
N 1500000
WESTERN UNION
TELEGRAPH CO.
Allatoona
SOUTHERN BELL
TELEPHONE CO.
U.S. HWY. 41
CR.
Payne
Clark
Cr.
Tanyard
Cr.
MARIETTA-LINDALE
MARIETTA-PARAGON
Acworth
PROPOSED STATE
HIGHWAY 92
Proctor
Cr.
110 K.V.
38 K.V.
N. C.
(W. &
GEORG
U.S. HWY. 41
PAULDING CO.
COBB CO.
STA. HWY. 92
Cr.
Allatoona
N 1475000
E 325000


LITTLE R.
Cherokee Mills
Victoria
ETOWAH
Payne
Clark Cr.
Tanyard Cr.
O'Neil
Noonday Cr.
Little River
Woodstock
STA. HWY. 5
GEORGIA POWER CO.
MARIETTA-LINDALE
38 K.V.
CHEROKEE CO.
COBB CO.
MARIETTA-LINDALE
MARIETTA-PARAGON
Acworth
110 K.V.
38 K.V.
N.C. & ST. L.
(W. & A.)
GEORGIA POWER CO.
U.S. HWY. 41
E 375000







Grid system b

tion, Georgia

E 375000

E 400000

LOCATION MAP

SCALE IN MILES

10 5 0 10 20

LEGEND

- HARD SURFACED ROADS
- GRAVELED ROADS
- GRADED ROADS
- CONNECTING DIRT ROADS
- HIGHWAYS UNDER CONSTRUCTION
- RAILROADS
- POWER LINE
- COUNTY LINE
- 860 CONTOUR

Grid system based on Transverse Mercator Projection, Georgia West Zone.

N 1475000

E 425000

SYMBOL & DATE | NATURE OF REVISIONS | BY | BY | BY

REVISIONS

Advance Print - Subject to Revision.

ETOWAH RIVER WATERSHED

ALLATOONA DAM

CARTERSVILLE, GEORGIA

PROJECT LOCATION

IN SHEETS | SCALE: 1" = 4000' | SHEET NO. 3

U. S. ENGINEER OFFICE, MOBILE, ALABAMA | MARCH, 1945

SUBMITTED | RECOMMENDED | APPROVED

SENIOR ENGINEER (CIVIL) | PRINCIPAL ENGINEER (CIVIL) | LT. COL., CORPS OF ENGINEERS DISTRICT ENGINEER

FIELD WORK
DRAWN BY: L. S. R.
TRACED BY: M. C. C.
CHECKED BY: B. M. N.

FILE NO. R-8-1-1

Incl #1

THE ATLANTA CONSTITUTION

For 78 Years an Independent Georgia Newspaper, Georgia Owned and Georgia Edited

ATLANTA (2), GA., TUESDAY MORNING, FEBRUARY 19, 1946

Issued Daily and Sund
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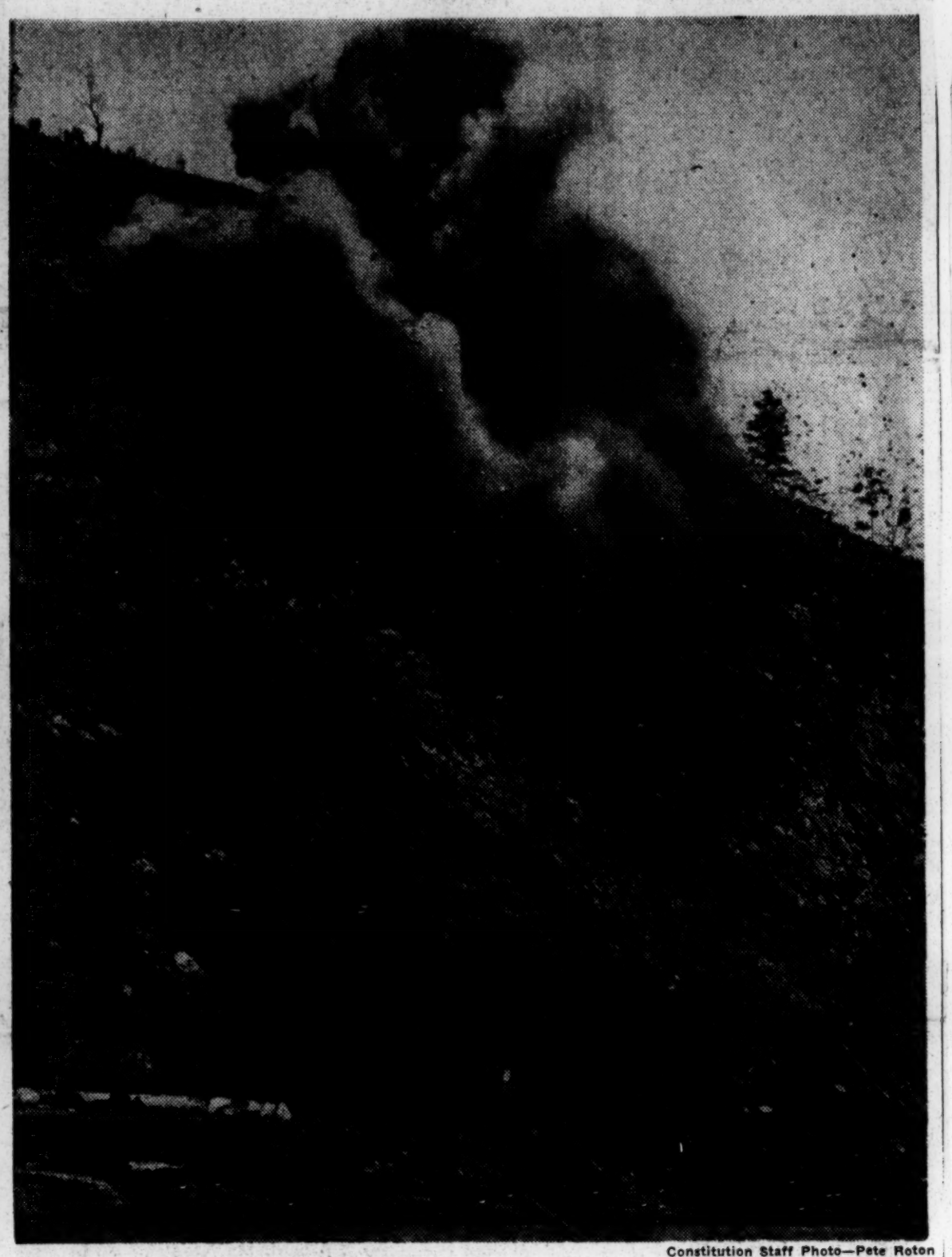


Constitution Staff Photo—Pete Roton

START OF THE ALLATOONA DAM—Army engineers set off first blast of dynamite to clear the foundation chosen for Allatoona dam, on the Etowah river, near Cartersville. Here, a huge 10-ton overhanging boulder, relic of a pre-historic age, goes skyward. Engineers started the work on the north side of Allatoona gorge, in exact center of the site of the dam. Here the gorge reaches up more than 350 feet from the water.

Allatoona Dam Project Launched In Bartow by Blasts on the Etowah

By WELLINGTON WRIGHT,
Constitution Staff Writer.

CARTERSVILLE, Ga., Feb. 18. There was noise enough to awaken even the slumbering spirit of the Cherokee nation as Army engineers Monday set off a blast to signify the beginning of work on the foundation for the Allatoona dam, on the Etowah river, five miles from here.

The first charge of dynamite blew a great gash in the north side of Allatoona gorge, directly in the center of where the great dam will rise. A second charge five minutes later blew a mighty 10-ton overhanging boulder into high-flying fragments.

Thus the corps of Army Engineers began work on the $17,400,000 project which will dam up the swiftly flowing waters of the Etowah river and tame them to the peaceful uses of men. This dam, when completed, will eliminate floods in the Etowah valley and will do much to bring the waters of the Coosa-Alabama system of rivers under control. Also, it will ultimately furnish 110,000 kilowatt hours of electric power. In that manner have the Army engineers begun to assert their power over the Etowah river, the river of song and story, the river of the Cherokees . . .

Under the direction of John S. Webster, assistant resident engineer at the dam, with headquarters here, workmen prepared for the blasts on the north side of the gorge. Then, these plans completed, the official party, including members of the press, had to go to the south side to witness the explosions. The distance across the gorge is about 700 feet, but the party had to travel six miles by rough road to get there!

At 12:15 p. m., the party arrived at the south side site directly opposite the scene selected for the explosions. While the photographers were setting up their apparatus, Webster waved a handkerchief. A man on the other side waved a handkerchief in return.

"All set?" asked Webster of the photographers.

On receiving an affirmative answer, he waved his handkerchief again. And then everybody waited . . .

With a roar that echoed and re-echoed through the valley, part of the north side of the gorge blew out, throwing dirt and rock all the way across the river and mushrooming a huge mass of black smoke towards the sky.

Five minutes later, promptly at 12:30 p. m., Webster waved his handkerchief again . . . and the wait was not long this time . .

For in a few seconds seemed as the entire north side of the mountain was going up in smoke. When the smoke cleared away, the mountain was still there, but the huge boulder, a relic of a far-off age, was no more.

The swiftly moving waters of the Allatoona gorge didn't know what to make of all this commotion. They churned and lashed themselves into a fury. But they still flowed swiftly, flowing on forever to an age-old destiny.

And three years from now?

Well, then the waters of the Etowah river will flow on as usual, but always under the reins of harness made by man—still a river of might and power, but a river of peace and majesty. When the Army engineers complete their job at Allatoona, that will be the E owah!

The dam itself will be a structure with an up-stream curve anchored by keystones into the solid bedrock underneath the river. It will be 400 feet wide at the base, will rise 184 feet above the river's bed, and will have an overall length of 1,020 feet. At high wa-

Continued on Page 4, Column 6

THIS TIME TOMORROW

Many of the attractive offers in today's Constitution Want Ads will be gone. As a shrewd trader it will pay you to consult the WANT ADS Now for what you want. There may be just the right bargain waiting for you. On the other hand, if you have something to sell or trade, call WAlnut 6565 and list your offerings.

CONSTITUTION
WANT ADS
Phone WAlnut 6565

ALLATOONA

Continued From First Page

ter, it will make a lake of 20,300 acres. More than 500,000 cubic yards of concrete will go into the dam.

The work today is directly under the supervision of the Army engineers. On the side which they have selected, a private contractor will erect the dam. The engineers will advertise the contract by March 1 and let the contract by April 1.

In order to make access to both sides of the gorge less difficult, the engineers have already begun to construct two three-mile access roads from U. S. 41, one road on each side of the river. These will have a concrete bed 20 feet wide, and will have the capacity of carrying the heaviest equipment now in use on such structures as the dam.

Many of Webster's aides in the Cartersville office of the engineers were present at site of the dam Monday. They included Ralph E. Crombie, chief administration assistant; L. W. Swindle, in charge of blasting operations; Edgar Malone, construction superintendent; R. L. Saylor Jr., of the Mobile district office; Leonard Roth, of the Atlanta office of the Army engineers; Howard C. Cole, in charge of road construction, and most of the 175 employes now in the local office of the engineers corps.

Webster, assistant resident engineer, is a graduate of the University of South Carolina and is a native of Orangeburg, S. C. Until recently, he was stationed in the Mobile office.

Construction of the dam, with the huge lake that it will create, will make necessary the relocation of U. S. Highway 41, from below Acworth to five miles above Cartersville. This work will cost about $3,000,000. Congress has already appropriated the funds to pay for these relocations.

A little more than a million dollars had been spent on the project before the war, mainly for plans and specifications and relocating the Nashville, Chattanooga and St. Louis Railway tracks.

Allatoona Project

February 26, 1946

Colonel W. C. Henson
Attorney at Law
Cartersville, Georgia

Dear Colonel Henson:

Please accept my thanks for the excellent advice in your letter of February 16; also the map which came in the same mail and your letter of February 18 with the description of the Negro recreational area. I have had an opportunity to talk with Mr. Booth of the U.S. Fish and Wildlife Service, and also Mr. Oliver of the Georgia State Park Service. Everybody seems to be very enthusiastic about the whole idea, and I am helping a group of Negroes in Atlanta draw up a statement which will be sent to the Engineers.

We are all deeply indebted to you for your generous interest and assistance. If Dr. Johnson were in the city I am sure he would join me in wishing you many years of the success which comes to those who do not fear to venture.

Yours very truly,

HAROLD L. TRIGG
Associate Executive Director

HLT:jm

Feb. 16 admitted.

FINLEY & HENSON
ATTORNEYS AT LAW
CARTERSVILLE, GEORGIA

Feb. 18, 1946

Map

Dr. Harold L. Triggs

Atlanta, Ga.

Dear Sir:

For your information the following paragraph is taken from a report to our Committee made by one of the members, O. H. Monroe. Mr. Monroe is an engineer who helped make the Allatoona Survey. It appears to me that this is a good suggestion and one that your group might adopt.

AREA 2. NEGRO RECREATIONAL AREA.

This area lies along the left bank of the Etowah River down stream from its intersection with Little River. It should provide, in general, facilities similar to thoserecommended for Area 1. It could be reached from the Atlanta-Cartersville Highway via Acworth and would thus serve best the greater part of its patrons who would come from the Atlanta area. Land embraced within lots and parts of lots 389, 390, 402, 403, 461, 462, 463, 474, and 475 in the 21st district and 2nd section of Cherokee County, Georgia, should be ideally situated.

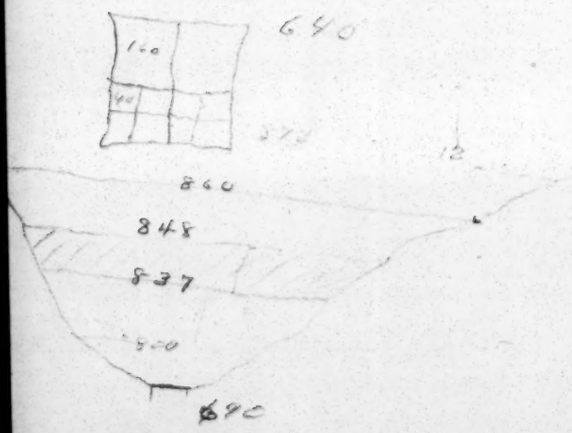
These lots contain 40 acres of land each and measure 1420 feet each way.

Yours very truly,

W. C. Henson

W. C. Henson

H



Quinnipiac
acreage
Atlanta standard
Bound 8 corn counts

stable water surface if area is to provide adequate recreation

Sub impoundment needed

to enhance recreation value

5 miles

Atlanta Constitution 3/7/46

Allatoona Dam Ready July 7, 1949

ROME, March 6.—(AP)—More than 600,000 cubic yards of earth have already been excavated from the site of the Allatoona dam, Col. Charles A. Jackson, chief engineer, told members of the Rome Junior Chamber of Commerce.

The dam is expected to be completed within 1,170 contract days, or about July 7, 1949. The project eventually will employ between 500 and 1,000 northwest eorgians.

The 180-foot dam structure will 'ack up water for a 23-mile long lake.

Allatoona Project

March 12, 1946

Mr. T. M. Alexander
212 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Mr. Alexander:

This is to remind you that I have not forgotten your kindness in making valuable suggestions concerning the relationships of the citizens of Atlanta to the Allatoona Recreation Project.

The U. S. Army Engineer is waiting for approval from Washington before it will be possible to give out definite information. He has promised to meet with the interested group as soon as this final step has been taken.

I will let you know about it as soon as possible.

With kindest good wishes, I remain

Yours very sincerely,

HAROLD L. TRIGG
Associate Executive Director

HLT:jm

MEMORANDUM

TO: Dr. George S. Mitchell

SUBJECT: The Allatoona Project

FROM: Harold L. Trigg

DATE: August 28, 1947

The office files will show the progress made thus far in securing accommodations for Negroes in the park area on the Allatoona Lake near Cartersville. Thus far, my conferences have been with Mr. Roy Woods, chief of the wild life division of the National Park Services, and Major J.T. DeJarnette who was with the army egineers, (Atlanta National Building, 50 Whitehall Street, S.W.) Major DeJarnette is no longer the recreational officer with the Army Engineers. He has been replaced by Mr. Frances Guscio. Any further negotiations will be with him, since he will plan the recreational areas at Allatoona.

I was asked to suggest a committee of Negroes to advise with the recreation director, in the planning. They are: Mrs. A. Louise Taylor, Mr. W. R. Cochrane, Mr. T. M. Alexander, Mr. Menelik Jackson, and Mr. Jake Henderson.

Harold L. Trigg

Associate Executive Director

HLT:EE

Rec'd p.o. Rm 512.

Wa 1550

POPULATION BY RACE IN GEORGIA COUNTIES WITHIN A

50-60 MILE RADIUS OF CARTERSVILLE

(1940 U. S. Census)

County	Total	White	Negro	Other
1. Bartow	25,283	21,073	4,209	1
2. Chatooga	18,532	16,720	1,811	1
3. Cherokee	20,126	19,229	897	
4. Cobb	38,272	31,990	6,280	2
5. Dawson	4,479	4,415	64	
6. DeKalb	86,942	72,973	13,963	6
7. Floyd	56,141	47,500	8,637	4
8. Forsyth	11,322	11,281	41	
9. Fulton	392,886	269,743	123,063	80
10. Gordon	18,445	17,242	1,203	
11. Haralson	14,377	12,853	1,524	
12. Murray	11,137	10,756	381	
13. Paulding	12,832	11,534	1,298	
14. Pickens	9,136	8,656	480	
15. Polk	28,467	23,698	4,756	13
16. Walker	31,024	28,789	2,235	
17. Whitfield	26,105	24,640	1,463	2
Total 17	805,506	633,092	172,305	109
			21%	
Total for State of Georgia - 159 counties	3,123,723	2,038,278	1,084,927	518

October 1, 1959

Mr. W. C. Allred, Jr.
607 Irving Street
Winston-Salem, North Carolina

Dear Will:

The "ground breaking" letters to Mr. Wright, Mr. Dabbs, and Mr. Johnson are being prepared by my secretary.

Their home addresses are: Mr. Guy B. Johnson, University of North Carolina, Chapel Hill, North Carolina; Mr. Marion Wright, "Top Knot," Linevills Falls, North Carolina; and Mr. James M. Dabbs, Mayesville, South Carolina.

As yet, we don't know who will be here for the Board meeting. Why don't you write Mr. Williams at 3320 Gloucester Road, Richmond, Virginia, and ask him.

Mrs. Tilly, as far as I know, does not have a meeting this month. She had one the last of September and will have a regional meeting at Clark College, November 5 and 6.

How are things in Winston-Salem? It's pleasant here. We didn't even get rain from Gracie. However, the place I spent my vacation this summer was hard hit. We haven't heard anything yet.

Don't worry about the overhead for the introduction letters. I think the Council can make that investment in you.

Hope to see you soon. The staffers have asked about you.

Sincerely,

John Constable
Director of Information

JC:lec

September 30, 1959

Mr. John Constable
Editor, New South
Southern Regional Council, Inc.
Atlanta, Georgia

Dear John,

We are "hurricaning" it up here right now, but the thesis is still "sloshing" through toward its watery grave in the cold archives of Emory University's Library.

I need your expert assistance!

Marion A. Wright, J. M. Dabbs, and Guy B. Johnson occupy conspicuous places on my list of people whom I should talk with before the thesis is finished. I hope to interview each of them at their respective homes the week of October 12-17. Would you write them a "ground breaking" note so that they will know that my request for an interview rests on legitimate grounds? The actual arrangements for the "chats" will be handled by me and tailored to the schedules of Wright, Dabbs, and Johnson.

I believe that Mrs. Tilly has a workshop somewhere in October. Could you furnish me the date and place? Will Paul Williams be in Atlanta for the annual meeting of the Board? A talk with him would be very valuable for me.

Recently, I wrote Lillian Smith a letter of inquiry about an article she wrote for Common Ground in 1944 in which she "took issue" with the Council's "then" stand on segregation. As yet no reply, but just wanted to keep you informed of what I am doing in case anything "pops up" at your place about my letter to her.

Lastly: if "boss" Alexander will keep a record of the cost of envelopes, postage, and secretarial time on the above requested letters of introduction, I shall be happy to reimburse the Council (with interest) when I get to Atlanta in mid-October.

Sincerely yours,

William C. Allred, Jr.

William C. Allred, Jr.

WCA/wca

607 Irving St.
Winston-Salem, N.C.

January 28, 1960

Mr. William C. Allred, Jr.
124 West Sprague
Winston-Salem, North Carolina

Dear Will:

Thanks for your letter and the entertaining and instructive outline of the thesis. As an old hand at diapers, as well as SRC, I admire your persistence.

I will look forward to receiving the draft whenever acts of God permit and will try to give it a prompt reading. We are not merely interested in such favorable judgments as you may bring yourself to announce, but more important, we expect to profit from your analytical comments and criticisms.

With all good wishes for a speedy and successful delivery,

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf

January 23, 1960.

Mr. Harold C. Fleming
Executive Director
Southern Regional Council
Atlanta, Georgia

Dear Mr. Fleming,

By my reckoning it has long since past the time when I should have given you some accounting of what is supposed to be a simple Master's thesis. Here it is!

In between the diapers, there is massed in a neat little stack on my kitchen table about two hundred pages of the Council's history. Enclosed you will find an outline and commentary thus far.

As you see, I have to "polish and shine" some before it will be finally done. And the final chapter of my conclusions, which I am sure will be worthless, must nevertheless, be penned with a great degree of care.

The agreement between us has stood and still stands that you will read the finished form. There will be no rush when it gets to you (probably the latter part of February--but I don't promise a certain date), so I hope that you will feel free to make very critical comments and suggestions about it.

Next Monday, February 1, I start classwork at the University of North Carolina, so it will probably be spring holidays before I can pay you nice people a visit.

Good luck in all your many endeavors!

Sincerely yours,

William C. Allred, Jr.

William C. Allred, Jr.

enc

This Thesis Goes Something Like This:

Chapter I - "Background" - sketchy story of the Commission on Interracial Cooperation, its demise, the Durham-Atlanta-Richmond-Atlanta meetings, through the chartering of the Council in January, 1944.

Chapter II- "Toward The South of The Future" - a too-lengthy chapter about some of the thinking which went into the make-up of the Council, question of segregation in early years, attempt of the interracial movement as represented in the CIC and SRC to wrestle its way from paternalism to to equality in attitude toward Negro, to espousal of aim for desegregated society, Supreme Court, down to 1959 statement.

Chapter III- "Policy and Structure" - basically a rehash of Odumesque concept of regional council, info from Odum's papers about failure of attempt; emphasis on more mechanical aspects -- i. e., organizational charts, state emphasis between 1954-1957, broadening central functions since 1957, although keeping strong ties with the states.

Chapter IV - "Central Program" - oh boy, the killer! Includes the following parts: (a) Women's work (b) Work with Labor (c) Interagency Cooperation (d) Foreign Visitors (e) Information Program (f) Consultants Service (g) the Southern Leadership Project -- little more than you put in the annual report -- I'll be glad to leave it out! You can read it and see! Also have a tail-end section (h)Notes on a Decade in which an attempt is made to catch some of the day-to-day occurrences program-wise which make the SRC or any human relations organization what it is.

Chapter V - "State Program" - A fair picture of state efforts from 1944-about 1958.

Chapter VI - "Financial" - Ups and downs, low to lower, high to higher-you lived it!

Chapter VII- "Leadership" - This has not been written yet. I may leave it out for most of the important people are caught up in the program chapter. Final decision rests with Emory advisor.

Chapter IX - "Conclusion" - a twister. An attempt to combine praise and attacks; looks as if it may have to be split into two small chapters--my summary has to come some where.

July 13, 1960

Mr. William C. Allred, Jr.
124 Sprague Street, West
Winston-Salem, North Carolina

Dear Will:

This is just a word of acknowledgement of your thesis. I have read it and am deeply impressed by the thoroughness of your research and skill and accuracy with which you have written it up. I can readily appreciate how much work went into it, for I know something about the files with which you had to work.

I do have some corrections and suggestions, many of them of a minor sort. But I will save them until we are ready to return the thesis to you. I want all of our principal professional staff members to read it, and it's already begun to circulate among them. I have emphasized to them your stipulations that they give you in writing their reactions and suggestions.

You will be hearing from me again before too long.

Cordially,

Harold C. Fleming
Executive Director

HCF/mf

September 16, 1960

Mr. William C. Allred, Jr.
124 Sprague Street, West
Winston-Salem, North Carolina

Dear Will:

Here, after further delay and more apologies, are some specific comments on your thesis. As you perhaps know, we have been in the throes of moving since I talked to you on the telephone, which added to the frustration of my good intentions.

Let me repeat what I wrote you some weeks ago -- namely, that the thesis is a remarkably accurate and perceptive treatment accomplished against great odds. We are pleased and appreciative, of course, by the accolades you have bestored on SRC and its staff. I must admit that I found myself wishing that your thesis might have been done later, covering the period from 1957 onward. This reflects my personal bias and lack of modesty, but I do feel that for a variety of reasons SRC's organizational, administrative, and program performance has entered a more mature phase in the last few years. This is by no means merely attributable to the virtues of the Executive Director -- much as I would like to think so -- but to the acquisition of some very able new staff members and to the availability of new funds with which to realize many a longstanding aim.

As I pointed out in the attached memo, you will be hearing further from Paul Rilling (on state councils)and Paul Anthony (on finances). Meanwhile, I am returning your thesis separately by registered mail.

Many of my comments deal with very minor points, a few with major questions of interpretation. You are free to ignore all of them except one -- that relating to Hazel Brannon Smith. If, as you revise the thesis, we can be of any further help, don't hesitate to call on us. In any case, we hope to have a visit from you one of these days in our new offices.

Cordially,

Harold C. Fleming
Executive Director

HCF/mf
Enclosure - 1.

MEMORANDUM September 16, 1960

To: Mr. Will Allred

From: Harold C. Fleming
Executive Director

Re: MANUSCRIPT.

P. 1, Par. 2:

John J. Eagen should be John J. Eagan.

P. 55, Pars. 1, 2:

The jump from the Ford Foundation to the Fund for the Republic, not explained here, might be confusing. A word of explanation inserted would help the reader.

P. 56, Last Par.:

"the region's only human relations agency" is not really accurate. There are others, such as the Southern Conference Educational Fund, Highlander Folk School, American Friends Service Committee, the Urban League, and so on.

SRC may be described as the oldest, largest, or, if one thinks so, the most effective organization of its kind working in the regional level.

P. 60-61:

The "executive session" has not automatically included the Executive Director. It consists of Committee members only, unless they choose to call in the Executive Director, which they frequently do. Although it has seldom happened, they may choose to call in some other staff member for private discussion.

P. 63, Footnote 42 (and again P. 156, Footnote 23):

These footnotes are somewhat misleading. The reason why Fleming bore the burden of the discussion and Mitchell didn't say much is readily explained. Mitchell had already submitted his resignation. Fleming was the next senior staff member and, at the Annual Meeting, became Director-Elect. The new orientation, as presented, was Fleming's program and the basis on which he accepted the appointment as Director. Under these circumstances, it was only logical that Mitchell accede to Fleming and the other remaining staff members.

P. 67:

The chart has one minor inaccuracy. The research assistant works directly and exclusively under the direction of the research director. There is also a research clerk in the same category.

P. 72, Par. 2:

The description of the "trickle down" approach is good as far as it goes, but it puts too much emphasis on persuasion. Our information is frequently beamed at leaders and situations where hard practical choices have to be made under the pressure of Negro protest, court decisions, and other national pressures. In these cases, the effort is to present the kind of facts and analyses that will influence their choice in what we regard as a positive direction. For example, in a school situation, this might include documentation of the inadequacy of private schools as substitutes for public schools, the economic damage of school closings, the success of school desegregation elsewhere, and any one of a dozen other kinds of material designed to counter segregationist propaganda and encourage desegregation.

P. 76, First Par.:

"An Honest Answer in the Civil Rights Controversy" was not intended to indicate that the Civil Rights Committee's report was concerned only with equal rights and not desegregation. Some of the recommendations of the report itself clearly called for an end to segregation. The Southern Regional Council statement was only trying to emphasize the neglected fact that equal rights include more than the question of segregation or desegregation. Especially in the economic area the South and the nation would be wise to cooperate in the broadening of job opportunities and improvement of living conditions.

P. 85, Last Par. (Footnote 56):

I think I should point out that the financing of Mrs. Tilly's work is generally proportionate to the financing of other SRC programs.

Out of general funds are paid her salary, travel expenses without limitation, as much clerical and secretarial help as needed, and, of course, the normal overhead expenses of supplies, communication, and the like. It is true that the funds for the special conferences of the Fellowship of the Concerned are handled as a project, but this is consistent with the overall pattern of operation; for example, the entire research program, including salaries, is handled as a special project. The point I am making is that the amount of general funds applied on Mrs. Tilly's program is as great as that spent on any other parallel program of SRC's. And the financing of the conferences is not dependent solely on what Mrs. Tilly can raise by her unaided efforts. SRC accepts as an organizational responsibility the securing of these funds, although the personal flavor of Mrs. Tilly's work makes it highly desirable that she maintain a personal relationship with the continuing donors to the project.

P. 100, Par. 3:

The Tuskegee interagency conference of the Fund for the Republic grantees was not convened by the Fund, but by SRC under a special grant from the Fund.

P. 103, Par. 2:

The mention of Hazel Brannon Smith is the only "security" problem in your whole manuscript. Mrs. Smith is still under attack and pressure from the White Citizens' Councils, and it would be very damaging to her if it were publicly known that she had received aid from liberal and integrationist organizations. So while I must ask that you not mention her by name, it would be all right to refer to her as a deep South woman editor, or in any other way that does not give her identity.

P. 117, Last Sentence:

As far as I can recall, the only criticism of SRC in the Negro press occured during the organization's early years -- that is, before it took a public and unequivocal stand on segregation. At least, I cannot recall any such criticism in recent years. If this squares with your research, you might want to add the phrase "at its beginning" or "some years ago," or some such qualification.

PP. 119 and 120:

Officially, it is "The Field Foundation" rather than the "Marshall Field Foundation" as you have it. The latter is often used and is probably that way in some of our older records.

P. 123:

A small point, but Margaret Price has never billed herself as Mrs. Bem Price in her free lance work. She is a newspaper woman in

her own right, having worked for a number of years for the Associated Press in Atlanta.

P. 129, Par. 1:

In the interest of completeness, you might want to add to the list of agencies The American Council on Education and the United States-South African Leader Exchange Program. These two agencies account for a substantial number of the foreign visitors we receive.

P. 132, Par. 2, Last Sentence:

You might want to add the Civil Rights Division of the Department of Justice, to which SRC has rendered rather frequent service.

P. 149, Par. 1, Last Sentence:

The use of the word "starving" seems to me unduly strong. Certainly SRC was cramped and did not have enough funds to supervise as well as it might have the use of its aid to the state councils. But at no time during the Fund for the Republic aid period was SRC in the dire straits of earlier years, so you might want to consider a less drastic word than "starving."

P. 152, Par. 2:

There is an error here in the date shown for the staffing of the Tennessee Council on Human Relations. At the time George Mitchell wrote to Dave Freeman on May 16, 1955, we thought that the Tennessee Council had hired its staff person, but later we learned that a problem had arisen and that the employment had not taken place. As it turned out, it was several years later that the Tennessee Council acquired a full-time director.

P. 156, Last Sentence:

This is a similar error, in which some of our records may be at fault. Throughout 1958 and 1959 the New Orleans Council was on the verge of being reactivated. Maddeningly, however, the starts turned out to be false ones, and the money budgeted for the New Orleans Council in those years eventually reverted to general funds. I seem to recall that on at least one occasion Fred Routh, in good faith but prematurely, reported to the Executive Committee that the New Orleans Council was reactivated. This is no doubt the source of the misinformation.

P. 157, First Sentence:

The Mississippi Council is, in fact, now defunct. It maintained a paper existence for a year or two after SRC discontinued financial aid, but it eventually ceased to be any kind of entity.

Allred Manuscript - 5.
September 16, 1960

P. 158, Par. 1, Last Sentence:

Since this is attributed to a personal interview with me, I should like to qualify the point a bit. In my opinion, since disaffiliation the state councils on human relations that have survived have become stronger and more effective organizations with a better chance of survival. Within the past year, in almost every case, the fund-raising performance has improved also. At this time, it is probable that at least some of them could and would continue even without financial aid from SRC. Of course, the loss of SRC aid would be a heavy blow for any of them but it would not necessarily mean extinction.

P. 172, First Sentence:

While 1957 was certainly the richest year in the Council's history during the period you studied, it was richest in terms of receipts rather than in terms of income to be used in that year. Of course, the receipts were greatly inflated by the transmittal of the full three-year terminal grant from the Fund for the Republic. Only a fraction of this $200,000 was to be spent in 1957 however. In terms of current income, subsequent years have been richer than 1957.

As you know, audits are very tricky and misleading documents. We have had occasion recently to analyze our income of latter years in a meaningful way. I have asked Paul Anthony to send you a copy of that analysis, as it might modify your own picture of SRC finances. Paul is away just now, but I trust you will receive this shortly.

You might also want to point out in your financial discussion the fact that SRC relinquished its limited fund-raising efforts within the South to the various state councils. Therefore, in a real sense, total funds raised locally by the state councils should be regarded as funds raised for this movement within the South. Looked at in those terms, more money has been raised in the South for this work than at any time in previous history.

P. 178, Par. 3:

As you may know, Dr. Mitchell's quip quoted here is in fact a familiar chestnut in this business. That is to say, it was not original with Dr. Mitchell.

P. 186, Par. 3, Last Sentence:

Dabbs undoubtedly lessened his farm work, but in other respects he is busier than ever. The publishing of his book (another one is about to be published) and his accession to the presidency of SRC involved him in a great many speaking engagements and other activities that have probably kept him busier than his full-time farming once did.

Allred Manuscript - 6.
September 16, 1960

P. 188, Par. 1:

In listing the Negro leaders in the Council, I think it would be only proper to add Dr. Gordon W. Hancock; before his retirement a faculty member at Virginia Union University. Dr. Hancock was one of the most active and influential persons in the formative stage of SRC. Because of age and ill health, he has been inactive for several years.

P. 198-199:

While I am the first to admit the weaknesses of the state council program carried out under the Fund for the Republic's original grant, I do feel that your evaluation of the results is harsher than actual circumstances might warrant. If this is true, as I believe, I am sure that a considerable part of the fault is mine. It is entirely likely that I over-stated the case in our talks. As I have remarked above, the surviving state councils have steadily improved within the last two or three years, and a good case could be made for the argument that the investment in these organizations has yielded, and is still yielding, some valuable returns. More important, the main returns may yet be realized in the future. For example, Kentucky has now established an official state human relations council, and there is little question that this development is in large part the result of the existence and work of the Kentucky Council on Human Relations.

On a point of language, I would also raise the question of describing the state program as making a "neat package" for sale to the Fund for the Republic. In the context, this would suggest that George Mitchell's advocacy of the program was less than sincere. I know you don't intend that, since you perceived that George Mitchell had a deeply held conviction that decentralization was the answer however erroneous that view may look in retrospect.

Paul Rilling, who succeeded Fred Routh as patron of the state councils and was himself director of the Virginia Council, is writing you a separate memo fo dissent from your conclusions here. As one might expect, his views are even stronger than mine, and I will simply let his memo to you stand on its own merits.

Let me make it clear that my disagreement is only one of degree. I think SRC deserved some criticism for its over-optimism and lack of realism in the state council program. But I do think that more has been and will be salvaged than your analysis would suggest.

Considering the heartwarmingly, favorable conclusions you reach about SRC, I regret to have to file any dissent at all on the last section. It might be enough to hope that we can justify the favorable judgments which you have expressed.

MEMORANDUM September 23, 1960

To: William Allred, Jr.

From: Paul Anthony
Executive Assistant
Southern Regional Council

Re: Manuscript.

Am quite impressed with the information and understanding concerning finances which have been gotten from SRC materials. It is a thorough job and nothing is incorrect. Would suggest the following additions or further interpretation to the material presented:

1. On page 171 there is the statement, "In the early months of 1957, the central office experienced a financial 'pinch', but a terminal grant from the Fund.....considerably brightened the future." The situation in early 1957 was not a "pinch" but a crisis. The Council entered that year completely unprepared to finance its operation through a normal fund-raising effort such as that which now supports SRC. The period of major support from the Fund for the Republic had not been replaced by a general fund-raising program. There was no sound base of support and, in effect, in one year SRC had to perform the near miracle of financing most of its substantial operation from mainly new sources. During the first months of 1957, for example, the situation was sufficiently grave that a priority schedule of salary payments was established in the event that not all the payroll could be met. It was never necessary to use this schedule but in several instances grants from new sources relieved the situation only by ammatteroof a few days.

   Incidentally, this crisis occurred just as the new director, Harold Fleming, took office. Fleming's major reluctance to accept the position of director was due in part to his concern with the heavy fund-raising requirements of that position and the doubts he held about his abilities in that area. Although the effort and time required has been even more than Fleming feared, he has developed remarkable skills in this area.

2. In an analysis of audits it is necessary to make a distinction between the physical accounting of funds received and spent (the audit) and the program use of funds. Accounting of funds received in a given year does not necessarily indicate the schedule under which those funds may be spent. This is determined by the Council's policy and, more importantly, the requirements of the donor and the agreements made. Thus, for instance, while the Council received a terminal grant of $200,000 from the Fund for the Republic during 1957 this grant was scheduled for use beginning in the last quarter of 1957 (after m the crisis of that year had eased) and for the years 1958, 1959 and 1960. At the end of 1957, the audit for that year reveals that of the grant of $200,000 a balance of $180,475 remained for the next three years. And, of this amount - while there was no binding commitment to do so - it was understood that a substantial portion of these funds would be for aid to state councils if at all possible.

3. In reference to the above, and to the statement on page 172, "...made 1957 the richest year in the Council's history," several modifications might be in order. 1957 was the richest year thus far. In the actual use of funds available, each year since 1957 has been higher than that for the previous year. For instance, excluding the distributed grant from the Fund for the Republic, the following is a schedule of foundation income as used:

1954.....	$ 7,550.00
1955.....	19,150.00
1956.....	38,600.00
1957.....	53,300.00
1958.....	99,600.00
1959.....	183,000.00
1960.....	218,000.00

Thus, to the auditor, 1957 was the richest year of the period covered by the study. In terms of fund-raising effectiveness and program - the more accurate yardsticks for this study - this was a year of crisis, of curtailed budget and expenditures, and was generally well below the level of operation, program expense, and security of the years after 1957.

4. The years 1954-1958 were "rich" years for the Council. But, as is explained in detail in the study, the years 1954-1957 saw a major portion of the Council's funds channeled into the establishment and maintenance of state councils. The distinction should be clear that total funds received and spent during these years is not automatically a reflection of the Council's central program activity. In effect, during these years the Council was two organizations; one (state aid) was wealthy and diminishing, and other (central staff and program) was relatively poor but has grown and expanded considerably each year. Even for the SRC staff, the accounting and auditing of these two heads has proved to be a cumbersome task, difficult to interpret.

5. The over-dependence oneone source of funds (as was SRC's wi with the Fund for the Republic) in essence created the organization as a relatively prosperous one and later seriously threatened its very existance. (And on a smaller scale this situation had existed earlier.) Fleming was aware of this fact -- and impressed by it. Since 1957 he has pursued a policy of building a broader base of support, seeing that the Council is no longer largely dependent on one or two sources of support. A review of the sources of support 1957-60 will reveal that this policy and caution have been successful thus far. This fact might be worth mention in a study of the Council, since it has been a significant factor in fund-raising, budgets, and program since 1957.

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The advent of grants from other sources made 1957 the richest year in the Council's history.[38] Although total receipts declined in 1958,[39] investments and savings provided needed resources for stable operations. At the Board's annual meeting in November, the Executive Committee succinctly summarized the financial status by reporting: "Many of you will recall vividly the time, not long past, when our solvency was measured in days, or even hours. Now we can at least discuss our financial needs in terms of the coming year."[40]

[38] Total receipts were in excess of $295,000.

[39] Total receipts were approximately $179,200.

[40] Executive Committee Report, Annual Meeting Minutes, November ____, 1958, p. ____.

During the five "rich" years between 1954 and 1958, the Council received gifts totalling $1,276,772.[41] This was double what it had received in the first ten years of its life. A significant factor in the sudden influx of funds to the organization was the Supreme Court decision of May, 1954. The Council has grown as racial tension has increased in the South. Only the future will answer the riddle of the race problem, but it is a fair guess ~~to speculate~~ that the Council will have the tenacity to be on the scene when the outward walls of the segregation system have completely collapsed.

[41] All figures are compiled by this writer from the official audits of the Southern Regional Council.

This is a graph showing the major sources of the Council's income from 1944 until 1958. From 1944 until 1953 the scale is approximately $2,000 per block. From 1954 until 1958 the scale is approximately $5,000 per block. Orange represents foundation gifts; Green represents Church gifts; Blue represents Labor organization gifts; Purple represents individual gifts. See Appendix A for complete list of donors to the Council.

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Since 1954 adequate funds have been available for a greatly expanded program. The largest part of the Fund For the Republic grant was specifically committed to establishing human relations organizations in the Southern states.[35] Under the terms of the grant, each state was required to raise an increasingly larger amount of its funds each year. Whether or not it did so was a factor in determining subsequent appropriations from the central office. The entire three and one half year grant was an effort to start state groups which would be able to exist independently after the outside support had ended.

[35] Virginia, Kentucky, Arkansas, Alabama, Georgia, Florida, Texas, Mississippi, Louisiana, North Carolina, South Carolina, Tennessee. Oklahoma, included in the Council's sphere of operations earlier, was dropped in the request for funds.

Under the Fund For the Republic's grant, the central office received very little in comparison with the state programs. With tension steadily growing in the South over the public school issue, the Council's Atlanta office had increasing burdens on its time and resources. The stiffened resistance to change brought difficulties in the financial programs of the various states, and the Council was forced to reorient its thinking toward continued aid to the state groups after the expiration of the Fund For the Republic's grant.[36]

[36] Minutes Executive Committee, April ___, 1956. George Mitchell contemplated three years of "further modest aid" to some of the states.

In the early months of 1957, the central office experienced a financial "pinch," but a terminal grant from the Fund on May 17, 1957 of two hundred thousand dollars considerably brightened the future prospects.[37]

Feat '57

[37] Board of Directors Annual Meeting, November 12-13, 1957, p. 2. This grant was not "earmarked for specific purposes as in the past, but was given for the general support of the Council."

PA
PRC
MF

October 3, 1960.

RECEIVED
OCT 6 1960

Mr. Harold C. Fleming, Executive Director
Mr. Paul Anthony, Executive Assistant
Southern Regional Council, Inc.
5 Forsyth Street, N. W.
Atlanta 3, Georgia.

Dear Harold and Paul,

I can not thank you both enough for your succinct comments in the excellent memoranda you sent. I appreciate your efforts.

Note the following:

(1) The request reference to Hazel Brannon Smith is noted and I will use you suggestion in the matter.

(2) The financial chapter bothered me very much. In so far as monetary matters are concerned, I took to the audits the naivete of a three year old. Paul's comments will help order such confusion as may exist.

(3) My conclusions about the state agencies bothered me also. But I think the solution lies in the fact that my treatment of them is superficial; this arising from the impossibility of studying them at first hand. I eagerly await Paul Rilling's comments.

Being true to some sort of system which I follow, I am settling down to rewrite this thing, cull errors, inculcate your constructive words, and do alot of polishing and smoothing in preparation to send it to the high command at Emory. I am certain that they have long ago given me up as a lost cause.

Thank you again,

Sincerely yours,

Will

Will C. Allred, Jr.

Apt. 107 C, Bernard St.
Chapel Hill, N. C.

****

JAMES M. DABBS, PRESIDENT
MARION A. WRIGHT, VICE-PRESIDENT
ALBERT W. DENT, VICE-PRESIDENT
PAUL D. WILLIAMS, VICE-PRESIDENT
RUFUS E. CLEMENT, CHAIRMAN, EXECUTIVE COMMITTEE
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MRS. M. E. TILLY, DIRECTOR OF WOMEN'S WORK
JOHN CONSTABLE, DIRECTOR OF INFORMATION
MARGE R. MANDERSON, RESEARCH ASSISTANT
EMORY F. VIA, LABOR CONSULTANT

Southern Regional Council, Inc.
ROOM 432, 63 AUBURN AVENUE N.E. ATLANTA 3, GEORGIA
Phone 2-8764

A Council to attain, through research and action, the ideals and practices of equal opportunity for all peoples in the South.

INTEROFFICE MEMO

Date July 21, 1960

To: HCF✓ From: PR

Subject: The Allred MS

I have the following comments and suggested corrections:

(1) P. 56, last paragraph. Is it correct to refer to SRC as "the region's only human relations agency working in the field of racial relations"?

(2) P. 62, I don't believe that the two last sentences here make much of a contribution to the analysis. I would not, of course, agree that "the role of advisor, director, coordinator, and breadwinner for the states was lost effort" or that it is necessarily true that "as a result other important aspects of the Central Office's functions were not receiving sufficient attention." I do not believe that SRC assistance to the state divisions was, even in those days, "lost effort." At least the statement is not substantiated herein.

(3) P. 63, last paragraph. The last complete sentence reading: "Since there was no foreseeable aid as great as that from the FFR, no money would be available to aid the state organizations." Is this accurate? At any rate, state aid was not cut off, was it in 1957 or subsequently?

(4) P. 99-100. There is a break in the continuity between these two pages. Some material is evidently missing.

(5) P. 155, last paragraph. I would strongly question the statement that in 1955 "it was evident that the various state directors were engaged in activities primarily concerned with fund-raising." Or the statement at the top of page 156 which says, "By and large the state programs lacked vigor." The statement is too vague to have meaning. I question whether such sweeping subjective evaluations are necessary in a work of this scope particularly when they are not based on any personal study of state programs. Such comments are

surprisingly missing in the section dealing with the Consultant Service Program or the Interagency Conference where they could be, it seems to me, even more easily justified.

(6) P. 158. The statement is made, "even at the present, the grant-in-aid system from the Central Office is the major source of income for most of the state organizations." While not technically inaccurate, I believe this statement perhaps is a false impression. If this point needs to be made, I would rather that the figures were reproduced for a recent year. Several of the groups raised more money than they received from SRC last year - for the other groups, the SRC figure would be only slightly over half of their total revenue and this, because of the special grant. The statement gives the impression that they are almost completely supported financially by SRC, which is inaccurate.

(7) P. 159, last paragraph. The statement is made, "They had poured through the Commission on Interracial Cooperation two million dollars down the Southern interracial drain without visiable signs of improvement." A questionable statement, I would think. I realize there were many shortcomings in the old Commission system, but I'm sure it could be proven that some "signs of improvement" were visible in many places during those years. As far as that goes, it would be hard to justify any effort in this field by "visible signs of improvement" deriving specifically from the effort.

(8) P. 198, first paragraph. Here are some more ~~gratitutous~~ gratuitous statements about state groups which I think are not accurate. It is said that, "The tendency is simply to exist rather than actively pursue program which at times would be embarrassing." I think this is undoubtedly true of some groups, at some times, but I would certainly deny that it is "generally" true. The next statement says, "Within the states it seems that opinions, espacially since 1954, has varied widely on a spectrum between an equality ideal back to the 'paternalistic do-gooding' of the Commission on Interracial Cooperation." So far as I know today, all of our groups are agreed on equality goals and ideals. The one exception in the past might have been Georgia.

(9) Page 199, first paragraph, Again, the statement, "Much money, a precious commodity with the Council, had been invested without any appreciable return." I would disagree with this statement. If it means anything, it should be explained and supported. The next few sentences go on to

comment specifically on some of the state organizations. I would suggest that the comments are not particularly well informed. To fairly well dismiss the Alabama Council as having gone "underground" and to go on and emphasize Kentucky and Tennessee as groups which have "made the most impact on racial affairs" is, at the least, highly misleading.

I realize that any story of the Council must include an examination of the differing approaches used in relation to field activities and their relative effectiveness. I realize, too, that one man cannot personally study in the field all of the different state groups. What has happened here, however, is that some evaluation has been made based purely on SRC files and interviews with central office staff. The philosophy of the central staff has been effectively absorbed by the author, who has not been exposed to officers or directors in the field or to program activities in the field. The evaluations are superficial; they intend to be based on financial or organizational achievements of state groups rather than on their month-to-month programming.

There is, too, a tendency here as throughout our files to evaluate the state groups against the yardstick that was established back in the early fifties. In other words, there is a tendency to hold the state councils responsible for their inability to meet the past and unrealistic standards of complete self-support. It might be noted that when SRC itself attempted to depend purely on indigenous Southern financial support they had exactly the same sort of trouble and much the same degree as do the state groups. In fact, the amount of money raised by SRC in 1952, when it was primarily dependent on Southern support, was almost exactly the size of the funds raised indigenously by the state councils last year.

Mailed to W. Allred

MEMORANDUM September 19, 1960

From: Paul Rilling

Re: Allred Manuscript

I do not feel that the thesis presents an adequately objective picture of the role and contributions of the state Councils on Human Relations, particularly in recent years. It would probably be impossible to make such an evaluation without spending some weeks in the field reviewing some of the program activities and achievements of these state and local groups. As it stands, I believe the thesis contains a number of sweeping general conclusions about the state Councils which are not adequately supported or documented in the thesis.

I believe that there have been some substantial changes in the operation of the state Councils and their relationship to the Southern Regional Council since 1958. I don't believe that these changes are adequately reflected in the thesis. I believe, too, that the Councils have been measured to a large degree against the yardstick of financial achievements. It is certainly true that the state groups have not fulfilled the original hope that they would be ultimately self-supporting. I would suggest, however, that it was unrealistic to expect interracial groups in the South to raise sufficient funds within these states to maintain professional staffed operations. It might be noted that when SRC itself attempted to depend purely on indigenous Southern support, the Council had the same sort of trouble and to much the same degree as have the state groups. The amount of money raised by SRC in 1952, when it was primarily dependent on Southern support, was almost exactly the amount raised indigenously by the various state Councils last year.

The state Councils are evaluated primarily on the basis of central files. I realize that this was probably a necessary procedure in view of natural time limitations etc., but I think it must be recognized that there is a difference of emphasis between staff members primarily concerned with the headquarters operation and those who are primarily related to the field operation. The central files of SRC would naturally tend to reflect one emphasis more strongly than the other.

I would specifically question the following statements:

1. On page 62, the statement is made, "...but beyond that point the role of advisor, director, coordinator and bread-winner for the states was lost effort; as a result, other important aspects of the central office's function were not receiving sufficient attention." There may well have been an over-emphasis on state groups at that time, but I believe that use of the term "lost effort" is questionable. I would also question that the emphasis on the state groups necessarily was the cause for insufficient attention to other aspects of the central office's functions. It is not noted here which aspects were not receiving sufficient attention.

2. On p. 155, last paragraph, "It was evident that the various state directors were engaged in activities primarily concerned with fund-raising" in 1955. This may be true, although I would doubt it. At any rate, it is not supported by the quotation from the report of the associate directors for state organizations which follows.

3. In the same general paragraph, but on page 156, the statement is made, "By and large the state programs lacked vigor." There is certainly some truth in this statement but the statement is too sweeping and general to be fair.

4. P. 159, last paragraph, "They had poured through the Commission on Interracial Cooperation two million dollars down the Southern interracial drain without visible signs of improvement." I would not consider this a fair statement. Certainly there were shortcomings in the old Commission set-up, but it did provide needed and valuable channels of communication in a number of Southern communities. There are very few visible signs of improvement from work in the human relations field. Most of the benefits, where they exist, are intangible.

5. P. 198, first paragraph, "Since generally members of the state groups are not subjected to high pressure either to join or to work in the organization, the tendency is simply to exist rather than actively to pursue program which at times would be embarrassing. Within the states, it seems that opinion, especially since 1954, has varied widely on a spectrum between an equality ideal back to the paternalistic 'do-gooding' of the Commission on Racial Cooperation." I believe there has been strong programming in the case of some of the state and local groups which might make this statement an unfair generalization. I believe that during the last two or three years at any rate all of the Councils, with perhaps one exception are clear on their commitment to the goal of equality and desegregation.

6. P. 199, first paragraph. It is said that " By that time, much money, a precious commodity with the Council, had been invested without any appreciable return." Again, I would say, an unfair sweeping generalization which overlooks a number of contributions by some of these groups.

September 23, 1960

Mr. William Allred, Jr.
124 West Sprague Street
Winston-Salem, North Carolina

Dear Will:

Enclosed are a few comments on your manuscript. Trust they will be of help.

Thought highly of the job you did. The long days of work you put in are well reflected in the finished product.

Best wishes.

Sincerely,

Paul Anthony
Executive Assistant

PA/mf
Enclosure - 1.

February 22, 1961

Mr. Will Allred
Apartment 107-C
Bernard Street
Chapel Hill, North Carolina

Dear Will:

It's good to have news of you, and I am glad to furnish the further information you requested. Enclosed is a copy of Dr. Hancock's opus about the role of Dr. Odum at the Richmond meeting. As you will see, it reflects Hancock's strong feelings about this meeting and its participants, though I have no reason to doubt the substantive accuracy of his account.

George Mitchell's address is Glencoe, Argyll, Scotland. I don't know whether or not you are informed of the sad physical and mental deterioration which George has suffered within the past year or so; arteriosclerosis, which has affected the brain. I doubt seriously that it's possible at this point to elicit any clear information from him. Fred Routh is at the Michigan State Fair Employment Practices Commission, 900 Cadillac Square Building, Detroit 26, Michigan. Fortunately, at last report Fred is in possession of all his faculties and can be counted on to respond to any request fully and articulately.

I am sorry to hear that the prospect of a Ph.D. has disappeared, but I congratulate you on the serious thought you have given to the implications of this for your M.A. thesis. Your reasoning strikes me as sound and fully justified. Let me repeat again our offer to assist you in every possible way in making this a definitive treatment of SRC during the years you are covering.

The very best regards.

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf
Enclosure - 1. (Hancock article on Odum)

February 15, 1961

Mr. Harold C. Fleming
Executive Director, Southern Regional Council
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Harold:

Thank you for the copy of Dr. Hancock's letter. My story is about what he mentioned. He mentioned that you had requested that he do a "squib" about Dr. Odum, and that he wrote on Odum's role at the Richmond meeting where the Council idea was adopted. Could I get a copy of that from you?

I am spending the next month or so in typing and polishing a draft of my thesis for Dr. Young at Emory. It is possible that I may want to visit you for a further look at the state reports and papers you have. I have not been satisfied with that part of the thesis. Secretly, I wanted to ride you for both the M. A. and the Ph.D, but a combination of factors, culminating in my making a couple of "C's", have automatically ended my graduate study here. Since there isn't any Ph.D in my future, I hate to finish up the thesis without getting a closer look at the field, for I am fearful that the M. A. thesis will keep anybody else from studying you again for a few years (although I might be wrong). And it is a good story which needs telling.

Since my wife finally realized that I wasn't going to support her, she decided to support me so this gives me some time to shop around for work plus get the M. A. done at last.

Can your secretary send me the addresses of Dr. Mitchell and Fred Routh?

Thanks very much,

Sincerely yours,

Will

Will

March 14, 1961

Mr. Will Allred
Apartment 107-C
Bernard Street
Chapel Hill, North Carolina

Dear Will:

You're a brave man -- and a persistant one. To the extent that it's possible, I'm glad to help, but still suggest that you limit your reporting of finances as much as possible.

For what it's worth, I have made a copy of our analysis of foundation income, 1954 to present. Please note that this is an informal working sheet. The dates shown are when the income was used, not necessarily when received. They would not, therefore, correspond with the audit. For your purposes I believe the only real significance is the rise of income over a period of years -- and the very low foundation income (other than from the Fund for the Republic) for the period 1954-56. Nor does the analysis make any distinction between "general operations" income and that for special projects. You are free to draw any conclusions from the analysis that is possible, but I trust you understand that the analysis as enclosed cannot be formally used by us -- or as a part of your thesis. This is so mainly because it does not correspond to the audit and would inevitably raise questions.

For general guidance, I suspect that you will still find my memo of September 23, 1960 to be of

more value for your purposes.

As to the matter of the Fund for the Republic being handled separately in the audits, there are several reasons. Most of the money from the Fund came in several large grants to be spread over a period of years for more than one project or purpose. Thereafter, a separate accounting was required -- to document the receipt of the funds and to indicate the expenditures under the separate headings or "departments." Also, the very nature of the grants, particularly the amounts, indicated a special handling and included special responsibilities of reporting to the Fund. And, as in the case of the enclosed analysis, some separate accounting was desirable to show income in amounts and sources other than the one major income.

If there are more questions, I'll be happy to give them a try. No hurry, but whenever you have finished with it, I would like to have the analysis back. It represents quite a bit of work and would have continuing value to us here.

The Alabama Council is in need of a good director. Are you interested?

Best wishes,

Sincerely,

Paul Anthony
Executive Assistant

PA/mf
Enclosure - 1.

March 1, 1961

Mr. Paul Anthony
Executive Assistant
Southern Regional Council
5 Forsyth Street
Atlanta, Georgia

Dear Paul,

I have just gotten around to the revision of the financial picture and I am finding your memorandum very helpful.

Harold mentioned in his memo to me that you had prepared an analysis of Council income and would send me a copy. I believe the analysis covered the later years since 1954 or so. Probably you drew from this analysis in your comments to me, but I wonder if you could de-classify a copy and send it.

If my memory serves me the grants from the Fund for the Republic are listed separately from just plain foundation aid on the audits. In your memo you listed foundation aid "excluding" the grant from the Fund. Why is not all the foundation aid listed in one spot? A small point but one that puzzles me as I cull my notes.

Thank you very much.

Sincerely yours,

Will

Will C. Allred, Jr.

file
Allred, Will
(set up file)

E 5-
MJ-file

May 5, 1966

Mr. Paul Anthony
Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N. E.
Atlanta, Georgia

Dear Paul,

I appreciated your warm reception Monday! If George Mitchell and Howard Odom could see your operation now, they would undoubtedly be awed by it all.

It is very easy to see that challenges of the first order face you with the vastly expanded central organization. But you rightly earned the spot by your experience, your continuity with the organization, and your ability to produce results. I wish you much success now.

Sincerely yours,

Will

Will Allred

WA/ab

March 9, 1964

Mr. Hudson Hoagland
President
American Academy of Arts and Sciences
280 Newton Street
Brookline Station
Boston 46, Massachusetts

Dear Mr. Hoagland:

I have your letter of February 27. I am grateful to you for inviting me to the committee meeting, and because of its importance I wish I could attend. The dates, however, duplicate those of a seminar-conference on the Disadvantaged to be held at Tuskegee at which I have already agreed to speak.

Please accept my regrets, and if I can be of any other assistance to you in your deliberations, please call on me.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj

American Academy of Arts and Sciences

280 Newton Street

Brookline Station, Boston 46, Massachusetts

Telephone: 522-2400

27 February 1964

Mr. Leslie Dunbar, Executive Director
Southern Regional Council
5 Forsyth Street, N. W.
Atlanta, Georgia

Dear Mr. Dunbar:

The American Academy of Arts and Sciences has given serious consideration in the last three years to the possibility of undertaking a major study on the Negro in America. The Academy's interest reflects two long-standing concerns: to assist in whatever way it can to encourage research and publication in fields where new scholarly inquiry is required; to develop particularly those studies which rely on contributions from many diverse academic disciplines. The gravity of the racial question in the United States, not to speak of its complexity requires that a substantial effort be made, and that it involve not only those who have already committed themselves to its study but also others whose insights and methods are needed if new and important questions are to be asked in a field whose general contours are certain to be modified in the coming years.

In May, 1962, a Committee of the Academy, under the chairmanship of Professor Oscar Handlin, reported on its discussions of the Negro problem; we quote from Mr. Handlin's report of that date: "There was general agreement that there had been enough scholarly work in the past two decades to justify a fresh evaluation of the role of the Negro in American society. In addition, the international situation, which has placed the issue of color in a new context, the rise of African independence which has significantly modified the attitudes of American Negroes, the postwar technological revolution which has changed the composition of the labor force, and shifts inside the Negro community--all emphasized the utility of a fresh analysis. It was agreed that such an analysis would not only illuminate the situation of an important group in American society, but would also throw light on the effectiveness of various techniques of persuasion and various strategies of reform. The participants were impressed with the fact that Myrdal's American Dilemma was published just as the great period of change started. This impressive work of synthesis was undoubtedly influential; and it has offered a unique opportunity to study not only social change, but also the role of social science in effecting social change. A fresh view of the subject that focused on what has happened since Myrdal's book would measure the important changes of the past twenty years, would point to the directions of probable future development, and might say something useful about the validity of predictions in the social sciences."

We believe that the time has come to consider whether the Academy cannot contribute to the realization of these and other similar objectives. It is for this purpose that we seek

your help. Through the generosity of the Carnegie Corporation a grant has been made to the Academy to convene a Planning Committee to inquire into what may be done to advance studies in this vital field, and to map out a prospective issue of DAEDALUS on the Negro in America. We are asking the following persons to serve on the Academy Committee:

Allison Davis	Jean Mayer
Erik Erikson	Robert Merton
John Hope Franklin	Daniel Moynihan
Clifford James Geertz	Talcott Parsons
Oscar Handlin	William Schmidt
Everett Hughes	James Tobin
Edward Levi	James Wilson
Carl Kaysen	Whitney Young

The Committee will meet at the House of the Academy in Brookline on Friday and Saturday, April 10 and 11, beginning with lunch on Friday and extending through dinner on Saturday.

With such a group it will not be necessary to channel the deliberations narrowly. We shall only recall that an analagous effort was made by the Academy five years ago in the field of arms control. The Academy convened at that time men from diverse disciplines whose professional preoccupations touched the field of arms control directly, tangentially, or in some cases almost not at all. Out of their deliberations came one of the most important issues of DAEDALUS that the Academy has published, and a hard-cover book which did much to make the dimensions of the new field obvious. We fully believe that we can accomplish something of the same sort this time.

Do let us know if you can be with us on April 10 and 11. Your presence will matter greatly to our enterprise.

Sincerely,

Hudson Hoagland

Hudson Hoagland, President

Stephen R. Graubard

Stephen R. Graubard, Editor

/nw

DÆDALUS

Journal of the American Academy of Arts and Sciences

7 Linden Street, Harvard University
Cambridge, Massachusetts 02138
Telephone: 868 - 7600 Ext. 431 and 482

13 March 1964

? file

Mr. Leslie W. Dunbar, Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N. W.
Atlanta, Georgia

Dear Mr. Dunbar:

Mr. Hoagland is absent from the country this week and I am taking this opportunity to answer your letter to him of March 9. Let me simply say that we very much regret that you cannot be with us on April 10-11; we will miss you greatly. Please be assured, however, that we will keep in touch with you, informing you of what happens at these meetings and, hopefully, engaging your interest in whatever follows. With all best wishes.

Sincerely,

Stephen R. Graubard

Stephen R. Graubard
Editor

SRG/nw

file

"A" - Gen. Corresp

March 9, 1964

Mr. Hudson Hoagland
President
American Academy of Arts and Sciences
280 Newton Street
Brookline Station
Boston 46, Massachusetts

Dear Mr. Hoagland:

I have your letter of February 27. I am grateful to you for inviting me to the committee meeting, and because of its importance I wish I could attend. The dates, however, duplicate those of a seminar-conference on the Disadvantaged to be held at Tuskegee at which I have already agreed to speak.

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Executive Director

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13 July 1964

Mr. Leslie W. Dunbar, Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N. W.
Atlanta, Georgia

Dear Mr. Dunbar:

Enclosed you will find a hastily edited transcript of a recent Planning Committee meeting held by the American Academy of Arts and Sciences on the Negro in America. This material is being sent to you for your information only. I would hope that you would find time to read it in the near future and give me the benefit of your opinion about it.

With all best wishes.

Sincerely,

Stephen R. Graubard

Stephen R. Graubard
Editor

SRG/nw
Enclosure

In welcoming the group, the Chairman, Mr. Stephen Graubard, presented the purpose of the conference on the Negro American as not merely preparing for an issue of Daedalus, but as an occasion for establishing a consensus concerning the sort of study that might ideally describe and analyze the problems of the Negro in America, both as they exist today, and as, according to a present perspective, one might possibly project events, needs, developments in the next decade. On the invitation of the Chairman, Mr. Parsons then proceeded to present an outline of what he considered problem areas in need of consideration. He listed three main levels of the general problem of the study:

I. The normative level: namely, the moral imperatives and problems and their embodiment in legal forms, at many levels, in the courts, in Congress, at state and local levels.

II. The area of integration in the sense of social acceptance: namely, the development of assumptions of belonging, of equality on informal levels of actual relational contexts. Mr. Parsons emphasized the crucial importance of this area, and its susceptibility to study by social scientists.

III. The interest level: namely, the area where vested interests, both economic and political, are determinants of the achievement, the rate of accomplishment, etc. of Negro aspirations.

Mr. Parsons then proceeded, after citing the history of the successive inclusion of other disadvantaged groups (Irish, Jews, etc.) to suggest three broad types of process involved in the integration of such groups in the society.

I. Upgrading of the resource base, including

a) Economic improvements--and where the Negro is encountering serious setbacks;

b) Improvement of political power positions at different levels;

c) Improvement of educational opportunities and attainments.

II. The pluralization of the structural position of members of the group, the differentiation of roles and of those with whom they will interact, not simply being categorized as Negroes.

III. Symbolic levels, which closely affect social acceptance (cf. above), whereby the excluded is always symbolized negatively as the inferior.

IV. The relation of the racial problem and the general problem of poverty and lower-class status in American society: this perhaps the most important problem of all.

Throughout the conference, this "map" of Mr. Parsons' was frequently reverted to, and to a large extent served to provide foci of problems considered.

Three basic factors necessarily constituted the preamble to discussion: (1) the explosion of Negro militancy; (2) the passage of Civil Rights legislation in 1964; (3) the impact, anticipated, of the poverty program on the economic problems of the Negro.

On the assumption that the Negro community, now more united than ever and confronted with hardening white resistance, will be dissatisfied with the rate of change in his relative position, the following topics were considered of signal importance. (An examination of the transcript can well suggest additional topics for treatment to those listed here.)

A study, in Mr. Moynihan's phrase, of the strategy of reconciliation, of means for gaining a larger inclusiveness at Mr. Parsons' "symbolic levels."

A study of indirect victimization, not simply the exercise of prejudice or discrimination, but the institutional processes, the changing social and economic structures which militate against equal treatment. Examples: medical care, trades unions, legal services, education, distributive system.

A study of the protest movement itself, its leadership, techniques, conflicting aims (? integration, equality of opportunity, etc.?), effect on participants, etc. Analogies with labor movement.

Necessarily related to the above, a study of the problem of Negro identity, identity confusion, negative and positive identity patterns, relation to African descent, and, immediately connected, a study of the individual vs. the group, both with reference to identity and with reference to rights, leading to the

problem of the rights of the individual vs. the rights of the group, with all philosophical and legal implications.

Again related to identity, the differentiation of roles of both the Negroes and of those with whom they will come in contact, the reactions to Negroes at different levels of persons of different ethnic groups, different cultures, or different economic levels.

At this point, it is of interest to study the new involvement of the white churches and of white students in the Negro protest movement.

Study of relations at social levels must confront problem of intermarriage and miscegenation, of the probable genetic pool of the Negro. Mr. Hughes: Some one should do a piece of social science fiction showing what a completely integrated society would be.

A study of the function of political bargaining.

A study of the law in operation on the lower levels of participation--court hourse, police, minor administrative office.

One can debate whether the low economic status of the Negro is because he is black or because he is poor, which means he is underemployed and uneducated. With the two greatest needs of the Negro acknowledged to be education and employment opportunities, the problem of jobs emerges as primary, not because education is of secondary importance, but only that it requires a longer period to pay off.

As to jobs, the need was expressed not only for action to increase job opportunities (anti-bias legislation, etc.) but for labor force projections to indicate probable range of change in the next decade, identification of objective possibilities for Negro labor force. Mr. Moynihan: This is the biggest problem. The Labor Department wants "questions."

It was suggested by Mr. Fein and Mr. Kaysen that a single reference work might be compiled to bring together all the empirical data about the Negro now available only in diverse sources, such a reference to be published separately.

In connection with Negro employment and Negro education, the crucial issue of preferential treatment arose. What are the elements that must go into a public policy on special treatment? Analogies with subsidies, protective tariffs, etc. etc.

Further policy questions raised by Mr. Freund included: The problem of the meaning of the guarantees of equal protection of the laws; what is the proper meaning of color blindness; what of forced integration and individual rights? What of the moral claim to preferential treatment?

And again, in the case of sit-ins to obtain jobs, integrated schools, access to public accomodations, are Negro protestants subject to ordinary rule of law? Is the disobedience a right? What is the validity of moral claims?

As to education, problems raised included the desirability of a Marshall Plan for Negroes, preferential treatment at all levels, the quality of Negro education, North and South, and, for the North, most urgently the problem of de facto segregation.

Urban problems: a series of studies on the impact on the Negro of urban renewal, on the fact that the centers of the largest Northern cities are becoming predominantly Negro (slums), the absorption of Negro migrants, schools, and housing.

And of first importance, a study of the family structure of the Negro, of what happens to urbanizing families, the peculiar nature of Negro family and kinship patterns, the sexual roles resulting from Negro matriarchalism, the psychological effects of father-absence, etc. etc. Mr. Geertz stated that there exists enough material both on the Negro family in America and comparative material to make a substantial statement. In the words of Mr. Moynihan, the problem of the Negro family is practically the property of the U. S. Government, and no other is more urgently in need of attention.

In the final afternoon session of the conference, a consensus was reached that it is desirable for papers to be commissioned and prepared for publication in Daedalus within not more than a year and a half, and that each contributor should know the author and title of all contributions in order to insure the relevance of articles to each other and to present an integrated approach. It was agreed that the issue should include papers of both empirical and philosophical types. And it was strongly recommended that the issue should conclude with some general essay which would articulate the logic of this particular publication.

Several times during the conference, the essential optimism of the American Dilemma of Myrdal was spoken of. That such optimism was not shared during the intervening years by the Negro American may perhaps best be indicated by the fact that Ralph

Ellison still knew himself as The Invisible Man in 1952, and as late as 1961 James Baldwin wrote Nobody Knows My Name. It is safe to say that today everybody knows James Baldwin's name, as well as the names of many of his Negro fellows, and the Negro is very visible, North and South. Optimism concerning the inevitable orderly working out of interracial problems has certainly been shaken. None the less, the fact that they are visible leads to a measure of hope that names, descriptions, possible solutions may be discovered if sought for with sufficient urgency and diligence.

Transcript of
THE NEGRO IN AMERICA
PLANNING COMMITTEE

Sponsored by DAEDALUS
The Journal of the American Academy
of Arts and Sciences
April 10-11, 1964

House of the Academy
Boston, Massachusetts

Participants

Professor Daniel Bell
Columbia University

Professor Erik H. Erikson
Harvard University

Dr. Rashi Fein
The Brookings Institution

Professor Paul A. Freund
Harvard University Law School

Professor Clifford Geertz
University of Chicago

Dr. Stephen R. Graubard
Editor, DAEDALUS, Harvard University

Professor Oscar Handlin
Harvard University

Professor Everett C. Hughes
Brandeis University

Professor Carl Kaysen
Harvard University

Dr. Edward H. Levi
Provost, University of Chicago

Dr. Jean Mayer
Harvard University
School of Public Health

Professor Robert Merton
Columbia University

Mr. Daniel P. Moynihan
Assistant Secretary of Labor

Professor Thomas F. Pettigrew
Harvard University

Professor Talcott Parsons
Harvard University

Mr. Arthur Singer
Carnegie Corporation of New York

Dr. William M. Schmidt
Harvard University
School of Public Health

Session I

GRAUBARD: First, let me say how very grateful I am to all of you who have been able to come in one of the most difficult seasons of the academic year, and equally so for all the rest who are not beseiged by lectures and theses. Some were expected whom I still hope will come. This was never intended to be an unintegrated group, and you can see both Allison Davis and John Hope Franklin have not been able to be with us, and Whitney Young, who was originally to come, did let me know that an engagement that he could not get out of would prevent his coming. Well, I have not heard of Mr. Davis' not coming. I am told by Oscar Handlin that John Hope Franklin may still be in India. This I didn't learn; he didn't respond to my most recent letter by saying he wasn't coming, so I assumed that he was. But I do think that it is unfortunate that we are not integrated for this occasion. I am quite serious when I say that I wish now that we had asked a much larger number of Negroes, anticipating that some would fall away, but certainly with all of those whom I have been in correspondence, ~~with,~~ there is the assurance that they will continue to maintain their interest in the project.

I would like to say just a very few words about the origin of this effort. I think I am not stating the case too strongly when I say there has been no issue which the Fellows in the Academy have been more concerned for us to do something about than this one. That is, there is no occasion when so many Fellows have come and asked that the Academy undertake a major study of this problem. We had, under Oscar Handlin's direction, a committee of the Academy that met in 1960. Bob Merton is one of those who was a member of that committee. We have since then done various other things looking toward this meeting, not the least of those being the beginning of the preparation of the critical bibliography, which Mrs. Perry Miller is going to help edit for us. But the thing that we feel increasingly is that what we have to do is the sort of multi-disciplinary study that we did in 1960 on Arms Control. That is, we feel increasingly that the Academy is the place where we can call upon the sort of various talents that this problem quite obviously calls for. The Academy gives the possibility, both in terms of the studies that can occur under its auspices and in terms of the publication that can follow, that an enormous difference can be made in respect to this problem.

DAEDALUS, the Journal of the American Academy of Arts and Sciences, is now sold in some 30,000 copies. There is always the assurance that any study that comes out of DAEDALUS will also be published by Houghton Mifflin Company. In short, the possibility of a really wide distribution of the results of what the Academy undertakes in this field is assured. This places an enormous obligation, given the assignment of the Fellows, given the gravity of the problem as a domestic problem in this country, a real obligation upon us to do something about it. Now, the thing I hope most particularly that these sessions can produce is some sort of consensus of the sort of study that might, in fact, take place; some sort of consensus about the sorts of problems that ought to dominate such a study. I think we are in a position where if this group can come to agreement about what most needs describing, what most needs analyzing, how much we can and need concern ourselves with the future, I am persuaded that if we can not only describe the situation of today, but perhaps do something with what I would call the ~~pro~~tra jectory of future developments, if we can see the problem in a present perspective but also as it is likely to develop in the next decade, this would be an extraordinary contribution. What I really hope is that you will feel as I do that nothing is, so to speak, decided before this meeting, that we are entirely free to construct this study, to construct any effort that is made in it, in any way that we agree to be important. Now, I have asked Talcott Parsons, who has been one of the Fellows most anxious that we persevere in an effort to get something going on this topic within the Academy, to make a few preliminary remarks simply to suggest the sorts of concerns that he thinks ought to figure in our talk.

PARSONS: I was very glad to accept Steve's suggestion that I try to outline rather roughly a few things that seem to me at any rate to be relevant to the problem of this group, in no case suggesting solutions but only problem areas that seem to need consideration. I am sure I shall not be anywhere nearly complete, but I may help to give you a few pegs to hang things on.

First, I suggest that we might speak of three main levels at which the problem arises. Incidentally, I presume that we have a value consensus; that is, I presume there is nobody in this group who wants to keep the Negro out of full membership in American society, or anything of that sort. So I will speak from the point of view of how to help bring about the general trend toward integration. Now, one level clearly is the normative level. The statement of the moral imperatives and problems of which we have had many, and their embodiment

in legal form, at many different levels, by both the courts, the Congress, at state and local levels, and so on. I am not at all one to play down the extreme importance of reaching societal and community consensus in these respects and implementing that consensus by enactment. And I think that while there are respects in which things have gone farther here than at either of the other two levels I want to speak of, an immense amount remains to be done, and I think an immense job of clarification of issues and of ways and means, and so on, needs to be done. Now, jumping to the other end of what is in a very rough sense a continuum, I think we may speak of the interest level, where vested interests in discrimination are deeply dubbed in. I tend to subdivide that into the more economic aspect and into more political aspects, using political in a very broad sense, wherever power factors are clearly involved and their relation to capacity to get goals achieved, whether they be positive goals or negative goals preventing something happening, the economic focusing more on the levels of resources and standards of living and things of that sort. In between, I think, we may speak of the area of integration in the sense of social acceptance. The extent to which, and ways in which, there develop assumptions of belongingness and the whole panoply of equality at relatively informal levels and involving actual relational contexts in a sense in which the moral level does not; the moral is more a statement of principles; this is more a matter of under what circumstances do people actually accept or reject, or in what equivocal ways do they straddle the issue, and what are the conditions of improving acceptance. I myself think that this middle level of social acceptance is particularly crucial and one on which social scientists ought to be able to make an important contribution in understanding the condition. Now, I think it is worth while to note that in the perspective of American history there has been, as Professor Handlin has documented more fully than any other single person, a very notable history of the succession of relatively successful inclusion of groups which have started out in disadvantaged positions in one way or another. Senator Edward Kennedy's speech recorded in this morning's paper cites the record in that respect in a very interesting way. I haven't seen the full transcript of the speech, only a brief newspaper report. But there has been a long series of ethnic groups which have been with relative, by no means complete, success, upgraded. Different kinds of barriers have existed to their full acceptance. I, for example,

am greatly impressed by the sense in which you could say that pretty well down through the 19th century, American society was basically a Protestant society and that Catholics and Jews were tolerated rather than being fully included. I think that this has ceased to be the case to the same degree. Not that the problem is over, by any means, but a very major change has taken place, and both the election of Mr. Kennedy and the tragedy of his assassination and the public reaction to it have in a sense put a seal on that integration at the religious level. By inclusion, of course, I mean something which goes way beyond decent treatment; that can be put under the heading of toleration. You don't have to persecute in order to exclude, and this seems to me to be the nub of the problem. Well, taking the normative level for granted, I would like to suggest three broad types of process which have certainly been going on in the society and which of course are subject to manipulative control, in varying degrees by varying kinds of agencies and policies, but I hope this might be a useful broad classification. One category might be called the upgrading of the resource base of the group whose chances you want to see improved, its level of inclusion raised. I think this includes economic improvements, where we know that the previous rate of improvement of the Negro status has undergone a serious slowing down if not complete check in the most recent period. It includes improvement of its political power position at many different levels, where I think the picture is brighter relatively speaking, although with the intensification of the conflict over the issue, there have been important points at which stalemates are reached or even reversals may develop, and here I very much want to stress the importance of the many different levels at which these processes operate. I think education should be included in this general category, because the capacities acquired through educational attainment are perhaps the most important basis in the resources of a group for attaining status in the society, and the cumulative effect of general disadvantagedness in lower educational levels is certainly one of the most serious handicaps at the present time. For example, I think there is an awfully good case for massive federal aid to the Negro in this sector, perhaps as strategic a one as there is. A second broad rubric concerns a type of thing which is not very salient in public consciousness, but I think members of my professional group are apt to be aware

of this, mainly the pluralization of structural position of members of a group, a differentiation of their roles and those of the members of the groups with whom they will interact. Both have group levels and both have individual levels. I think one of the most serious barriers, which has characterized many other groups, of course, is the tendency to fuse global categorization. If you categorize him as a Negro, then everything else that is important about him follows from this fact. If his status is differentiated and pluralized in the most obvious cases--occupation, educational level, things of that sort--then he may be classified with others who are non-Negroes in one set of respects which pulls him out of complete identification with the Negro group. This, of course, is a very major theme. I don't think that the analogy between the minority group and the second sex, so called, is very good in very many respects. I think in this particular respect, it is fairly good. There has been a tendency to classify women as women and to inhibit any differentiation on grounds that cut across such status by sex. And the cross cutting of status by race is the theme I suggest.

The third context concerns the symbolic levels, which tie up particularly with what I meant by social acceptance. That is, of course, we have the well-known dualities of orientation here in every case of inclusion, exclusion, symbolization. The excluded is always symbolized negatively as some kind of inferior or source of danger or something of that sort. I think it's very important that really good studies in this area should come out of this enterprise. I myself think that the inferiority theme is a particularly salient one in this case, and that much of the tenacious resistance to abandoning prejudice has to do with the importance of having something to point to that is alleged to be inherently inferior, whether it be in levels of competence, levels of intelligence and that sort of thing, or levels of character, responsibility and other things of that sort. There is another kind of theme. I had the impression when I was talking with Dr. Pettigrew about this the other day that there is less of it than there used to be. But the theme of the Negro as somehow the dangerous uncontrolled element, psychoanalytically speaking, a kind of id symbol, or both, with superior but dangerous sexuality, according to John Dollard's famous analysis, and with aggressiveness that is very difficult to control and keeping him in his place

represents his ambivalent position. It's on the one side because he is so inferior that he couldn't make the grade anyway, but on the other side you have to keep him in his place, too, because he is dangerous; he might get out of hand if you didn't keep the controls. Well, the positive side, of course, is a matter of balancing norms, values, interest of factors, and so on.

A very excellent dissertation that has been done in our department on discrimination problems in Massachusetts uses the category of structural discrimination as distinguished from the normative or the symbolic, pointing back to the economic and political interest factors I was speaking of, and I must say I think it's fair to say that intellectuals tend to underestimate the importance of these factors of structural discrimination. The powerful vested interests behind the maintenance of residential discrimination, for example. We tend to think that if it's solved at the normative level, then the rest will take care of itself, which over the very long run, may have something to be said for it, but I need only refer to Keynes on that point. At any rate, one reason why it seems to me this acceptance level is so important is that those who are given acceptance of certain types are put in a much better position to acquire the realistic factors of power than they would be if they weren't given. This to me is one of the most important arguments against the cynical realist who says there is no point in worrying about these symbolic levels; it's a matter of the really hard, rough, infighting at the level of political and economic interests. Well, of course, it is a matter of that, but not only of that.

One final point then. I would like very strongly to stress the importance of our considering the relations between the racial problem and the general problem of poverty and lower-class status in American society. One thing, I think it may very well be that the exacerbation of the racial problem in recent years is in part a function of the upward mobility of other ethnic groups, who have previously had large proportions in the lower class status. More broadly, and this of course combines with the continuing migration of the Southern rural Negro into cities, above all in the North but also Southern cities, there is a much larger proportion of the lowest groups in the visible places, in the urban slum communities, than has ever been the case before. But more generally, it seems to

me that the whole problem of lower class status has been masked by our long succession of immigrant groups who were at the bottom of the socio-economic scale, but who have certain expectations of rising, which, in a broad sense, over a long enough time period, have been fulfilled, so that, really, the shanty Irish is not a terribly big category any more and a lower class Jew hardly exists; anything like the lower East Side of New York in the 1890's or early 1900's is unthinkable now. I think that the very fact that the poverty issue is becoming salient again as a public issue, but with very important difference of interests from the previous period, is a very important part of the whole struggle. I would even go so far as to suggest that perhaps a really radical solution of the race problem is not likely to occur until we can virtually eliminate, in this slum disadvantage sense, a lower class from our society, regardless of color.

GRAUBARD: It occurred to me that we might start by addressing ourselves to these remarks and then move from them to certain other considerations. Would it, incidentally, help if we went around the table one by one to identify ourselves?

(Identification of participants.)

LEVI: I think it fits in with the outline that has been given and perhaps is covered by it, and if the question is the inclusion of the Negro in American life, American society, the society has many parts, and in particular I agree with the remarks that were made as to the position of the Negro as part of the poverty group. I would just like to add to that the inquiry as to the acceptance of the Negro in the different facets or groupings of American society, because it isn't all one and it may be interesting to inquire as to the reciprocal element in it, the reactions to the Negro of different levels by people of different ethnic origins, different culture, different economic levels within our own society. I am quite sure as you were suggesting that one of the problems of inclusion is the designation of the Negro as a Negro only. When it happens that he is also a poor man who has various social habits which would be alarming to some societies which do not have poor people in them and do not have those social habits, the attempt then to move toward integration as though it were solely a Negro problem is mistaken. I think

it is a much larger question than that because one could find that the problems have existed, as we all know, not just with the Negro, but in the reciprocal reactions of different groups within our society, and it seems to me that this is worth concern.

GRAUBARD: I wonder, Talcott, if you could say just a few words on this matter of the tendency of intellectuals to underestimate structural resistences to integration. Why should this underestimation occur? Is it a fault of the continuousness of a certain theory about integration which still dominates despite the experiences of the last ten years, or what is suggested by your comment?

PARSONS: Well, I am sure that various people here are much more knowledgeable than I am and I hope they will chime in on more detailed matters. I think, however, there is a tendency for intellectuals to think rather ideologically and to emphasize the bigger picture, and the relatively visible things in the bigger picture are apt to be a Supreme Court decision or the passing of the Civil Rights Act or something like that. Intellectuals are apt not to be terribly interested in or terribly knowledgeable about local community affairs. They are apt to have something of a condescending attitude toward both small business men and politicians, who are the most important people in the actual processes that go on. It would be things along those lines.

HUGHES: I would like to talk to that point because I think it is perhaps the most important thing that Talcott said. We have talked about race in this country very much on the individual psychological level as though a few individual decisions here and there can correct this all. As a matter of fact, the Negroes themselves in their movements are generally operating somewhat on this level and somewhat on the idea that the American social structure is what it was 50 years ago, and it isn't, you see. No doctor goes out and hangs up a shingle to start a medical practice now, be he white or be he Negro. In order to be a successful physician now you have to get yourself involved in a very complicated structure. You have to go to medical school, fill a residency, be taken on by some professor in Mass. General Hospital or something like that, and you have to find your way through a perfect maze, an organizational structural maze, much of which is quite new and changing, and you could change an awful lot of individual attitudes and still not

get anybody into that structure at all. This is happening in so many aspects of our life; it is not only the old structure and the vested interests, but changing structures, so that the course of a man's career and most occupations are quite different from what they used to be, and the difference is mainly structural.

I would only disagree with Talcott in this point, that I don't think this is peculiar to intellectuals. I think the Negro leaders themselves are mostly operating with a very much over-simplified and antiquated notion of social structure, almost as simple as the AMA likes to put over on us, and I would think that one thing we might do here is really take a look at the changing American economic and social structure and to see the Negro in it, not in terms of the past but in terms of where he is now and where he can go from here. I'll give just one example of non-structural thinking. Those trade unions in New York are not anti-Negro; they are just pro-Irish. They take only their relatives; that's a structural fact and they don't want any alien anymore than they want a Negro. They just don't want any alien at all, and our whole history of industry is that little groups control the hiring and they hire their friends and their relatives. If a man is appointing a resident in medicine, he asks his friend in his same speciality, whom he trusts, who is the best resident going this year, and there is a whole complicated set of decisions that are essentially structured. This is part of what I think you meant and just to say you remove prejudice and then it all clears up is much too simple, and I don't think anybody has done a good job of drawing this all together--this point of view.

LEVI: This is right along the line that I was trying to say. Of course, I was thinking, and you spoke of it, of the Hyde Park College Community, which I know very well. There it sits with a population in Woodlawn which was never integrated into the university community when it was white, and now, it is Negro, it frequently appears to intellectuals that the problem is to affirm that one will have integration with Negroes. Actually, it is an integrated community; the Hyde Park College Community is 40% Negro and well integrated, but it has been a constant struggle to convince some intellectuals that this can be done at a social and economic level which would make

for a compatible community, and it is at war with the intellectual's notion that if you are doing this sort of thing it must always be a disguised way of keeping Negroes out. So it is a confusion which the intellectuals perpetuate.

PARSONS: Well, the Harvard Faculty Club does not have at lunch every day a random sample of the population of Cambridge, and this isn't because of discrimination in the cruder sense, but because it is a subcommunity that has certain common interests of its own and has no reason for bringing certain others in.

MERTON: But it does have a cross section, perhaps not a representative cross section, of ethnic groups, and it's of ethnics because that overlaps your composition of the faculty, and I think that goes back to one of your earlier structural points. Since I gather what you want, Steve, are free associations--that's what you said--I'd like to add one or two.

The major emphasis in Talcott's outline at the third level, as he describes it, the problem, mainly, the social relations, the effect of social relations between Negroes and others in the local and national community, would besiege this inquiry as it is carried forward. the question of trying to meet head on one of the most sensitive questions in this whole problem and put it, semi-paradoxically, that the White Citizens' Council, Senator Talmadge, and others of that ilk, are basically correct in saying that as you get integration in a variety of statuses, you will inevitably get intermarriage and miscegenation, legitimate miscegenation, and that, although it may not be politic, whether in this inquiry on an analytical and social policy level, we would be prepared to examine the hypothesis. That is to say, one of the greatest barriers to any of these other efforts is the recognition by large numbers of Negroes based on experience that this so-called integration, even on a normative level as a matter of principle, goes just so far, but no further. You have this represented, I think, in the writings of upwardly mobile Negroes who have been mobile educationally, mobile socially, and who meet head on the fact that when they come to Harvard or Columbia and when the dances are held, there the line tends to be drawn. The essential point, if you are going to get the kind of complete cross-cutting status sets, is that the ethnic or racial origin of an individual gives you no

necessary clue to any of his other statuses, because they may be interdigitated, randomly distributed. The critical test, both symbolically and practically, is, I would say, whether our analysis, even our forecast of final integration, would resort to adroit, discreet, or politically intelligent devices for avoiding this issue, considering it a kind of subject that could only lend ammunition to the White Citizens' Council. The fact remains that the analysis on the social level, I think, must necessarily become hypocritical if it is not met head on. . .

HANDLIN: What is the issue? Or what is the question you would like to ask?

MERTON: Well, the specific question which I ask is whether this inquiry would include treatment of the problem, or the question, whether the kinds of processes that are going on to eliminate discrimination have as a direct ingredient of the outcome the intermarriage of Negroes and whites, rather than a skirting of this issue or a denial by ommission.

HUGHES: I was going to testify that if you could find somebody to write a nice, imaginative, we call it social-science fiction, piece on a family reunion in which the large kinships which come together would be all colors and maybe there would be a young woman there coming home to tell her parents that she was engaged and they would say, "What's he like?" and she would reply, "Well, I'd say, he's sort of dark brown, some such color, who wears yellow neckties," and so on; I thought, and I still think, that somebody could do a social-science fiction story on what a completely integrated society would be and how it would lead inevitably into the family. You can't do it without that. Then I think that when this really happens, there will be two groups left. There will be one completely white group left and they will be the Jews, and those Black Muslims who take their Muslim religion seriously, so you will have Black Muslims here, and white Jews there, and all the rest of us integrated.

BELL: Since we are opening up the spectrum, let me try another one. . (interruption)

PARSONS: May I just throw in, before we leave Bob's point, that I think he's entirely right. Incidentally, I understand from some lawyer friends that it is very probable that the issue of the constitutionality of anti-intermarriage laws will be coming up soon and they will be declared unconstitutional. But some of you may know the very interesting

study of Dr. James Bashiers of MIT, in which he propounds the thesis, very convincingly to me, that the primary basis of residential segregation, not in the vast racial sense, but by social class, is for the higher groups to minimize the probability of intermarriage with the lower.

HANDLIN: Which higher groups?

PARSONS: Whatever they may be by the usual standards and, therefore, the sense in which letting down barriers for a particular group to reside in a particular neighborhood or a suburban locality is an index of ceasing to worry as much as previously that one's daughters would marry someone outside that class.

BELL: The spectrum I would like to open up is somewhat different from the talk so far, and perhaps in the earlier part of these sessions it is agreeable to lay out a variety of approaches. I think what is most striking about the problem now is that, at least in the last year or two, the initiative is being taken, a very logical path, by the Negroes, and this seems to me quite rare, quite unique. This adds a very different dimension in terms of what things the Negroes are now demanding, things which are very different from what might have been true several years ago. Now, in view of the fact that the initiative has passed to the Negro community, two things strike me as being relevant. One is perhaps an analogy--like all analogies, partly imperfect. The situation nearest to this I can think of is that of the CIO in the 1930's, in which you had a kind of grass-roots upswelling; you had an upsurge from the ranks; you had people thrown up from the factory; you had native leaders naturally just coming to the fore; leaders who were unknown to the rest of the community. One significant example in many southern communities today is the old community leadership saying, we don't know who the new leaders are. We can't even deal with the old ones; how can we deal with the new ones? It is very like what happened when the CIO Unions formed and the management said, oh, these new leaders, how do we deal with them? Now, the CIO was able to institutionalize its protest because it had a particular locus, which is the market place of economic bargaining. You could organize a contract and get certain kinds of demands, and if one

thinks of where the institutionalization of this Negro protest will come (because in some respects, unless one posits, as Malcolm X would, a complete revolution, it would have to institutionalize somewhere) I think that there is a certain analogy, and that the institutionalization would have to be in a political process, that there would have to be more organized political bargaining. Now as I say, this is perhaps too much of an analogy to the CIO situation, where you had institutionalization on economic bargaining, and where it was much easier, in effect, because you had a more defined structure to contain it. You had history, in effect, of efforts of this sort. But there is in one sense a history in the record of ethnic group protest in the past, against a situation in which the institutionalization it seems would take place in a political process. And here one would try to identify how exactly the Negro community can now organize itself, but in a political way. It seems to me this becomes a rather important area in terms of what is happening within the Negro community.

The second point which comes to me very sharply, particularly from reading the book that Nathan Glasier and Pat Moynihan did on New York, where you have one million Negroes and perhaps the largest community of its kind, is a very striking difference from other ethnic group patterns, which might be called in a rather crude shorthand the lack of an infrastructure within the Negro community. Anyone who has even a very mild acquaintance with the Jewish organizational life is aware of the extraordinary proliferation of Jewish community organizations, self-help organizations, employment organizations, hospitals and various others, which give a certain thickness to the community. Franklin Frazier wrote many years ago a bitter book attacking the Negro middle class because, in effect, it was fleeing from the Negro community. Now, to some extent, one sees some of the consequences of the fact that the Negro middle class has fled from the Negro community. You don't have the kinds of internal, infrastructure organization, so to speak, so necessary for the community to help itself. I don't think this job can be done from the outside. I think there is too much of an effort perhaps to try to help them, which is understandable, and yet it may not succeed,

precisely because it doesn't yet wholly tap the inner resources of the Negro community. One of the crucial problems it seems to me is with the Negro middle class, the extent to which it now comes back to and plays a role in the Negro community. I would say that these would be the two elements that strike me as important, the fact that initiative has passed to the Negro, and this is something quite new; and the analogy in terms of those grass roots with the CIO situation, so that the problem of how you institutionalize the protest becomes a crucial question, and the whole problem of this infrastructure within the Negro community as an area of concern.

MAYER: Two small points which refer to what some of the previous speakers have said. The first one is that if we are going to talk at all about this matter of interracial marriages, it seems to me it should be quite clear to us that we are dealing with a legal rather than a biological phenomenon, because the biological phenomenon has already taken place to a large extent in the United States. As a matter of fact, if you spent some time in West Africa, the very regions from which the American Negroes come, as I have, you would be struck by the fact that when you come back to the U. S. you never see an African who is 100% African. I have a very short story which I think illustrates the point. I spent two months once very much in the hinterlands of Ghana with a Ghanaian driver, going from village to village and hospital to hospital, and one morning my driver stopped the car and said with great amazement, "Look sir, a Negro!" I thought he had gone completely mad, but what he meant was an American Negro, whom he immediately identified; his color was different, and of course, his clothing and everything was different. But I think this is a point which should be kept in mind, which is that the biology and the sociology of intermarriage have already taken place, and what we are talking about now is the legal aspects of the situation.

My second point refers to something Professor Parsons spoke about: the need for people to have a group to whom they feel superior. Now, I happen to have been doing a lot of work on regulation of food intake, and went on from there to study obesity and particularly obese children in adolescence, and I am very much struck by the fact that we are now witnessing the creation to a certain extent of a minority

in the U. S., drawn from all various groups and social classes, namely, the obese, who are looked down upon by the rest of the population and who feel the object of discrimination and, in fact, can be shown to be the object of discrimination. They show all sorts of psychological characteristics--passivity, withdrawal, tendency to cling together--which have been described as characteristics of minorities. They are to a certain extent probably not deliberately excluded, but it is rather interesting that while the proportion of obese individuals is of the order of 15% in most of the big high schools from which, say, Harvard University recruits many of their best students, and while their intellectual achievements are of the same order as those of the non-obese, there are practically no obese freshmen at Harvard. The proportion is about 3 out of 1500. So I think we have a chance there to study a man-made minority and to study the very marked intellectual and emotional trauma that I can document. You can predict a very definite fate of the obese as compared to the non-obese, and there is a chance there to study what happens to a new minority in American life.

HUGHES: May I ask Dr. Mayer a question which I think might be thought of. There has been a lot of nonsensical, biological talk about race. Would he or perhaps others, perhaps Mr. Geertz, who doesn't, I believe, claim to be a ~~personal~~ physical anthropologist, perhaps talk to this question at some time. Would it be worth while not to say any word about previous race doctrine but to talk about the probable genetic pool of the people we call Negroes in this country as compared to the rest of the population, or something of that sort. Just use the complete new genetic terminology, an analysis without making any reference to any racial doctrine at all, assuming that the racial doctrine is dead as far as our audience can be concerned.

MAYER: In other words, describe what an American Negro is ?

HUGHES: Yes, and say what we know about his genetics.

MAYER: I think it is--well, I don't know how much we know, but I think it is well worth talking about, especially because it seems to me that one of the great hypocrisies of the South, in speaking about possible and probable intermarriage, is to act as though this pooling of the white and African races has not taken place yet,

when, in fact, it has taken place to a degree that we don't really know, I think.

MOYNIHAN: Did it continue to do so or has there been a recession?

HANDLIN: Well, the pooling of the genes did not come about through intermarriage. It came about through miscegenation, and I think there is a very strong case for saying that to the extent the Negro achieves equality and is able to protect himself, the actual rate of intermixture as compared with the period before the war will decline and there will be a lower degree of intermixture than perhaps there was.

PETTIGREW: Particularly because you have passing take white genes back into the group defined as white.

HUGHES: My question wasn't to raise all of that, but just whether there is enough genetics known of the group.

HANDLIN: This question is important because it has not been confronted by anyone seriously, together with the auxilliary questions; whether there are differentials in capacity for performance, intelligence, and so on, have also not been dealt with in any systematic, reasonable way.

PETTIGREW: There are people working in the genetics area and some of you here probably know more about it than I do. Another estimate that they feel rather confident about, I think of Politzer at North Carolina in particular, in terms of blood test determination, from 22 to 28% of those so-called or socially defined as Negro, have gene pool of about 22 to 28% Caucasian, with very little Indian as the Negroes themselves claim. There is apparently little evidence of any great Indian ancestry. This is pretty substantial. This is what makes a difference with West Africa. I have often wondered what the effects would be if that type of fact were pushed popularly in the U. S.

BELL: Actually, it has been used in a very inverse sense; mainly, you get Southern racists who say that the better part of the Negro leadership is white. This becomes used almost as a way of saying that the Negro is indigenously bad, but the reason that they have such good leadership is that they have enough white blood in them. This has been used, as you know.

PETTIGREW: There is a counter-attitude meant, too, that since they are mixtures, they are worse, since they are not hybrids and so inferior. So they use either, just depending on their needs.

GEERTZ: Well, I would like to cite this genetic thing about which I will just say as preliminary that I think very, very little is known about this problem, and even such things as blood groups are so unstable it is hard to get material, but that's neither here nor there. There are two things I want to comment on, and again this is throwing out lines. One is in respect to Talcott's talk. One was something in which I was very surprised that he said nothing about and one which I would like to question. The one he left out which has been now raised by Professor Handlin is the peculiar nature of Negro family patterns in the U. S. As long as we can remember, the distruction of kinship patterns when they were brought here, the peculiar kinds of patterns which took place under slavery and the plantation system, and the particular kinds of, sort of so-called matrifocal families, and so on that now exist, have been obviously critical. The relationship--I have students working for me now on this problem--the particular nature of the sexual Negro society, the male and female role, and what a Negro woman thinks a good man is like and what a bad one is like, and which she tends to prefer, and what a Negro man thinks a good woman is like, and so on, and the kinds of socialization of these roles is, it seems to me, absolutely critical in any understanding of what is going on in the Negro problem and also relevant to the sort of thing Dan Bell was mentioning of the lack of infrastructure and internal organization.

The second thing that I would just like to question is Professor Parsons' passing comments on the relationship between class and race. I am not ready to be convinced yet that the racial problem rests on solution of the class problem. I think, as a matter of fact, one might argue quite the opposite, that until people in society learn to live in interclass neighborhoods and get away from the suburban mentality and away from urban renewal patterns which tend to use class mechanism to produce certain kinds of single class, but multi-racial society, we may not get very far, but

just into certain blind alleys of certain levels of integration which we can't then get out of. I don't insist on this; I just say that the whole question of class and race and the priority of them, the relationship between them, which of them is really fundamental and how they go along together, needs much more thought than has been given to it so far--how far is the Negro problem a class problem, how far is it a racial problem?

PARSONS: I think I would concur. I wanted to stress the very close interdependence rather than any specific thesis with reference to priority. But when you say you doubt if one can be radically solved without the other, you are asserting interdependence.

GRAUBARD: I was very much struck by what Mr. Hughes said earlier about the absence in the professions of any way for the Negro to enter this community, the absence of easy access, and really this whole question of trying to describe the society. I think, it may have been your idea, Dan; you once mentioned that in a sense the Negro is trying to get into the labor union at a moment when getting in and particularly getting into the skilled professions is not the thing, or maybe Mr. Hughes said it, that maybe it is not the thing he should be trying to do anyway. And I wonder whether we could now emphasize this matter of the nature of the structure, economic and social structures in our society, that in fact make the problem all the more serious, because this is what I think, certainly both Mr. Hughes and Mr. Bell implied.

HUGHES: We certainly have a labor force and labor structure in which the demand for agricultural labor is gone under zero, practically, and the Negro labor as well as others, the Negroes have concentrated there. The last paper that Franklin Frazier wrote was the one which I have given you on the place and condition of the Negroes in the city. The unskilled labor force is disappearing; it has disappeared in steel, disappeared in stockyards, and in many places where the Negroes were before and where these other immigrant groups started. And, incidentally, most of these immigrant groups that we are speaking about started at the bottom--illiterate and at the bottom--except for certain skilled ones. The skilled group is going, and what we seem to be getting is a fairly literate group that can move around and can work on one automated machine about as well as another, and the Negroes happen to be coming to the city just at the time when

there is no more demand for illiterate labor; they are the first group that has come to the cities in great numbers at a time like this. It seems to me that this has to be spelled out with some good labor force man who can project it into the future, saying what is the labor force of the future going to be, and say, given the position of the Negro and the labor force moving and him moving, too, what are some of the theoretical possibilities, the statistical possibilities here, and I think if we don't do that then we won't be doing a good job.

MOYNIHAN: I would suggest that projecting the future of the labor force movement is really, in effect, already done, and it has been made clear that there are no possibilities. It seems to me that this is something that the Negro still hasn't got clear; they are still trying to get in where there is just not enough to get in, that's all--where nobody is going to get in. There are some Italian unions, too. You have seen where the Italian union leader specified that there were five minority members of his union, of whom two he admitted were dead. Therefore, it seems that the strategy of integration, the strategy of the Negro has got to be to create an employment situation which cannot now be projected from the implicit forces in the company. It's going to have to change those projections, and I think the way in which they can be changed are matters much beyond the present dimension of the Civil Rights movement and much out of the minds of almost anybody.

KAYSEN: When you make this observation, Pat, were you saying that if you project labor force demands and supplies on average past rates of growth, foreseeable future rates of growth, best rates of growth we could get, on a policy which you or your boss or your assistant thinks is saleable, the best rates of growth we could get on a sensible policy, the best rates of growth we could get in a very different government situation? What are you talking about? This is a fantastic range and if I had to say what's the range of demand from the top of this fan to the bottom of the fan, let's say from the bottom to the top, for some, say, semi-skilled job, it might be 50% between the lowest of these figures, you know the rate of growth or the demand situation on past labor force rates of growth and the last decade of economic growth versus--and which of these projections do you have in mind?

MOYNIHAN: I'm not sure about this, but I think you could say that the rate of growth is not the point. It's the kind of growth. The rates of growth that you have as alternatives will tell you how big will be shortage of engineers, not how many jobs there will be for the unskilled Negroes, because there are not going to be any more farm jobs, no matter if we double the population.

KAYSEN: Then I think if I read your face right, at least two of us want to enter a professional dissent. There would be a lot of difference among economists who worry about this problem.

HUGHES: There wouldn't be any economist, would there, who would think that those Negroes in New York are going to enter the labor force in the same fashion as the Italians in New York? We agree that there is going to have to be some different way of entering from the old system.

KAYSEN: That certainly is right, but what we are dissenting on, or what I am dissenting on, is the proposition which Mr. Moynihan almost made, and maybe he didn't quite make it, that, you know, if they can't enter the labor force as engineers or as workers above the semi-skilled labor, as clerical workers, above the lowest level, there is no place for them to enter. Now, sure, the way in which the Italians entered the labor force, or the Irish entered the labor force, in New York, is available to no one. Those jobs don't exist. Being a truckdriver, a bull-dozer driver, the substitute jobs, are jobs which exist, and the question of whether there are lots of them or few of them is a question which fluctuates quite a lot with rather small differences in the percentage rate of growth of aggregate output that one projects over a decade or a decade and a half. Perhaps I am looking for the problem in Mr. Moynihan's statement which he didn't mean, but it sounded, at least to my ears, as if this part of the statement wasn't highlighted enough. In other words, as far as just talking like an economist, a percent and a half or two percent difference in the average rate of growth taken over a decade is the difference between maybe an insoluble and maybe a quite manageable problem in this respect, and I would want to emphasize this without suggesting that particular pair of numbers as the right pair of numbers.

HUGHES: But I gather you are interested in making such projections, which I think is the point we had in mind.

FEIN: I think one can play around with the projections. I would suspect that it will not get one very far in terms of the development of any kind of numbers of where the Negroes would, in fact, find employment, in which occupation. I am not sure that the projections would be ones on which one would want to feel very confident, nor should one want to feel very confident about projections a decade hence when small numbers can make big differences.

MERTON: It seems to me that Mr. Kaysen has addressed himself to one of the fundamental general issues that were implied in part of Talcott's presentation, namely, that this inquiry might try to identify objective possibilities, not only in the economic realm, which provide a context for alternatives for the Negro population, but as I understood your point, it was to take a straight economic analysis and indicate the differences, the various rates of growth, that might provide for alternative opportunities for Negro labor. And to me, that seems to be one of the major themes that has emerged so far, that simply addressing ourselves to the Negro problem, qua Negro problem, would be a repetition of what has been done on too many occasions in the past, and it wouldn't give any new perspectives on an old problem.

HUGHES: Well, I think you said what is basic about this whole thing, the thing that would make it different, and there are hundreds of race studies that we have had.

PARSONS: I just wanted to suggest the very close connection between this theme and that of education considered in the broadest sense, not merely schooling, but opportunities for training to acquire eligibility for different categories of jobs. For example, a very interesting history is that of the armed forces in this respect, in training Negroes in new skills which have been useful in the labor force, which I gather isn't going on at nearly as high a rate as it did some years ago because of cutting down on the draft.

MOYNIHAN: Well, the majority of Negroes who are called up for selective service fail to make the test, a clear majority, a seventh-grade test, so they are kept out of that.

HANDLIN: Also there has been no real study of what happens in that experience and what the after-effects are.

MAYER: Wouldn't it be important to try to get, and I know there are such studies, but to try to get a better idea of what the Negro's view of himself, in terms of an economic potential, is, because it seems to me that to a large extent the employment, the directions in which the Negroes are going to move, depend not only on the opportunities offered through varying rates of growth and so on, but also on the view that the Negro has of himself and what he can do and what he should do, and while I have no experience in this field, I am struck enough by the importance of adolescence and the development of what has been called the body-image, or the self-image, to think that this may in turn influence a great deal the initiative and the general behavior of the individual in society. We, I think, don't know enough about this aspect as regards the Negro as compared to other minorities.

MERTON: This puts me in mind of an inquiry I conducted some 20 years ago on an inter-racial community, and one set of findings was that the Negro youth and their parents both had much higher occupational aspirations than the white youth and the parents of the white youth on the same economic level. I wouldn't believe this finding and I have never published it, that's 20 years ago. Since then, there have been a dozen separate inquiries which have turned up the same fact. If, on the other hand, you go on to get their estimates of whether their aspirations will be realized, and get them to revert to their expectations as distinct from aspirations, then you get a completely different distribution. Well, now, I am taking up your point, with one suggestion in mind: that if this is included in the general study, I would hope it would be based on evidence and not on, so to say, impression. This turned out to be a very complicated story, and the general thesis that those who are in the lower edges of the economic structure have lower aspirations may not hold as generally as many of us had supposed.

KAYSEN: Just a minor point on this, Mr. Merton, which I am sure you have considered, but some economic studies on the Negroes' consumption bear, at least as one possible interpretation has it, that it isn't the absolute, it's the relative level you ought to look at. So when you say it's the same economic level, do you mean the same absolute economic level, which has been much higher than the relative economic level?

MERTON: The study that you are referring to, I think, is of the relative satisfaction, relative difference in savings proportions of income of Negroes and whites, and so on. No, we had this information both in terms of self-appraisal and in terms of objective status.

KAYSEN: So it was both absolute and relative that you were concerned with. Thank you.

LEVI: I think there is the added problem, again, of what we mean by inclusion in the society, not only from the Negro's standpoint of what his aspirations are, but the aspirations of some undefined groups which wish to have the Negro included--included into what? Because drawing out of what Mr. Kaysen said, one can speak very easily of the kinds of steps that could be taken for the creation of jobs. That is, if the jobs are to keep the streets clean, and the parks clean, and the cities clean, and all of these are jobs which need to be done, one immediately runs into the rebuke, "Is that all you really want to do, to take the Negro population and keep them permanently on this level?" So it is not just a question of the Negro aspiration, but it is a question of--I'm not sure what group it is--the group which would wish to have them included and what its view of it is.

ERIKSON: I wonder if Professor Parsons would add to his point on interests, which I assume means something like vested interests.

PARSONS: Essentially economic interests.

ERIKSON: Well, why couldn't one add emotional or personal vested interests in the maintenance of the Negro, enriching the white and in the way as it exists now on both sides. In other words, I think several remarks have now added to this, including this suggestion about the family pattern, which would make it very important to study how a Negro woman and a Negro man, how their roles as Negroes become interrelated in their training with certain ideas of the family, for example. But also with, if you don't mind my using a term of my own, the "negative identity" on both sides which has to be balanced with the positive ones and the relationship of those two get upset wherever radical change is suggested in both groups and, therefore, there would even be a certain vested interest in this emotional interest in past images of the Negro,

even within the Negro group, that resists the number of changes that have been suggested. Now, of course, I do mean that something like this should be done as part of the symposium and particularly important would be what kind of studies do exist.

PETTIGREW: Not many, and particularly not recently. Some of you have mentioned the tremendous amount of research on the Negro, but wouldn't you agree, Everett, that most of this is dated now. The Negro group has been changing obviously more rapidly in the last 20 years than ever before, and our research is late '30's, '40's. It hasn't really kept up with the modern terminology, with the revolution, so that a lot of the very basic kinds of studies simply have not been done in the recent past 10 years. I think Mr. Merton said high aspirations, low expectations, which he found 20 years ago. I would be willing to bet now, if you went back to that same community, you would find higher aspirations and high expectations, too. That is what has happened in recent years--the expectations have gone up.

I would like to follow up, too, on a point that Professor Geertz mentioned, that no one has picked up on the family absence problem, kinship pattern, family life, and this has always been rather loosely passed off in literature with the slavery explanation. Franklin Frazier certainly did give some clues to the roots but the two things that lead me to believe it is particularly critical, I think since you have been talking about economics, education, and most of those the Academy could undertake, but if it wants to take up things at the personal level, the family level has been suggested, I think it is the most critical. For one thing, the degree of father absence is increasing in the Negro group, relatively, not just absolutely, which is hard to keep on blaming on slavery. Obviously migration, urbanization, most of all poverty make it almost impossible for the lower lower-class male to support a family, and we set up aid to dependent children so that if the male is caught with his family the mother doesn't get her check. These contingencies are actually increasing this, and it is getting worse and not better. That leads me to believe that work on father absence, kinship structures (critical for American Negroes) in recent years, particularly by

John Whiting and others, has begun to open up the psychological consequence of father absence in rather an exciting way, I think, but they have not applied it to Negroes. But a lot of the things they are coming up with, a tendency has something to do with the ideology of schizophrenia, perhaps, with violent patterns, homicide, as opposed to property crimes. All this is research work not on Negroes at all, but since schizophrenia, crimes against persons as opposed to crimes against property, are particularly serious in the Negro community, it's suggestive that there is something going on here related to family patterns, something that really hasn't been looked at at all.

ERIKSON: May I add something to that. In view of the many difficulties of any pattern in the Negro population, especially in the lower-class, "no"-class Negro population, it may be difficult or not, I would welcome the suggestion--I would suggest this, which I feel, nonetheless, has to be looked at. And, not knowing the literature too well at all, but my impression is so strong that what the Negro family pattern really is has been discussed in negative terms, such as the absence of the father, or the lack of a legitimate, real marriage or illegitimacy. Matrifocal has probably been the most positive term that has been used. Now, the difficulty here is that I think at the moment the young Negroes today, and particularly the ones, of course, who are on the forefront of the further emancipation movement, are turning against their own family patterns, and yet one should investigate very carefully to what extent can they afford to be so radically against the positive elements in the Negro family which have, I think, always been described by sociologists in negative terms because they didn't live up to the prevailing Protestant standards. That would have something to do with the positive self-image and a positive historical image that the Negro has, and some of these young people, you must have noticed, worry about that because if they give this up too fast, what do they have of positive identity elements except the white image which excludes them to a large extent? You see what I mean?

HUGHES: I haven't heard anything much said, except implicitly in what Talcott said, about the movements for change, their objectives, who is in them, who leads them, and I think we might speak of the dialectic between the movement to be integrated and the

movement to be separate, and these balance in various ways. I think the French Canadians at the moment want to be awfully separate. Thirty years ago they wanted to be very integrated. The Muslims, those people who now call themselves Black Muslims, think there is no good in a white man so they will be very separate. I think this dialectic of being separate as against inclusion runs through nearly all sorts of movements, but I don't think we really have any good and thorough analysis of this dialectic in American Negro movements; and this, of course, would also include, as somebody already mentioned, who wants the Negroes integrated anyway? Then we have great numbers of people, white people, who join in these movements, and I think they ought to be understood, who they are, why they are doing it. My students at Brandeis are a danger to themselves. They go down south and one got an eye nearly torn out, and he's hardly got it back in order yet. Some of them will physically destroy themselves in this movement. What this participation in a movement means on the part of those who will not directly gain from it--I think this is something to look at. I should think that this is the kind of thing that Pettigrew would be interested in, or Erik Erikson, but I think we want a good look at these movements and to get some good theoretical framework and lots of evidence. I'm beginning to think whether or not we have the evidence for all these things we are talking about.

LEVI: In any symposium I think you ought to have some treatment on what's been done. I don't think too much has been, although a lot has been written on the effect for cultural patterns on the learning process. I won't say more about that because we could all fill it in, but there are many unknowns here, and I'm not talking now about the very obvious effects, but even the effect of the cultural pattern of the Negro of the higher income group, and then the learning process which comes out. I think that there are some mysteries here that would be a good area to study.

SCHMIDT: May I just mention two or three points that may or may not have relevance to what Professor Parsons was talking about in terms of certain aspects of vested interest. One is the question of abortion, which is related to the question of illegitimate births. Therapeutic abortions are six times as common in private services of

hospitals as in ward services, and since it is supposed to be predicated upon indications, it looks as if private patients are six times as sick as ward patients. This is involved with law, custom, abortion committees at hospitals, and so on, and the question has been in my mind as to whether the current situation is so satisfactory, you might say, to the private patient, essentially the white group, that there is not much interest in seeing it change.

Then, of course, with regard to criminal abortion, illegal abortion, nobody knows the extent of this, but it is of some importance that in some areas half of maternal deaths are now the results of illegal abortions and most of these come from the poorer, lower classes with many Negroes among them, so that illegal abortion, one could speculate, is a relatively safe procedure among those who can pay enough to get a good abortionist. In a recent publication, a professional criminal abortionist, who was well recognized and well thought of, receiving most of his referrals from other doctors, carefully presented his clinical data and a complete summary of his sources of referral, and so on, comprising some 5,000 abortions over a period of years. His mortality rate was (zero)--he didn't have any deaths in his group and his prices were not exorbitant, if he was telling the truth, but one had to have enough money to go to him. Many of the abortion deaths are not criminal abortions, but are self-induced, with very dangerous methods. Now, here too, this might be a question, if abortion under relatively safe circumstances is relatively freely available, say to white higher income level groups, is there a tendency to a general satisfaction with the present legal framework and legal fictions, and the hesitancy to attack them head on and to face the problem?

The third point may be a little less directly related, but has confused and puzzled me a great deal, and this is the problem of the teaching patient, the patient who is taught on in the hospitals. Harvard Medical School, you may remember, started in Cambridge with three professors, and it was Benjamin Waterhouse who said, "You can't teach medicine in a classroom; you need patients," and he therefore proposed to move over to Boston; and where did he go? He went to the workhouse to teach on the sick poor, and the custom of teaching on the sick poor has continued with some modifi-

cation. In pediatric services today we see, in fact, in many of them, an integration, that is, the patients, white or Negro, ward or private, are admitted only if they will be subject to this. But, in certain services, particularly obstetrics, this is not the case. And it is particularly in obstetrics that we see among the lower income people and the Negro people a great inadequacy of prenatal care. The question in my mind has always been, is this in part related to the knowledge that the patient is going to be a subject, perhaps an unwilling subject, of demonstration, of repeated examination, and so on. So, would we make headway there in practice and at the same time face a rather interesting problem, it seems to me an interesting problem, of social structure and organization, if we were to examine the question--how can we solve the problem of having adequate patients for teaching our students and do it in such a way that it is suitable procedure for any patient, private patient, your wife, my wife, or the Negro's wife. In medical circles, there is a tendency not to want to talk about this question, in obstetrics and surgery. I wish that some sociologist would examine it.

HUGHES: We examined it, sir, but we didn't publish the results. We made the study in a medical school, in a hospital, a 700-bed hospital, in which every patient entered with the understanding that she was a teaching patient. But we found that the pelvic examination done by the students was always done on Negroes, and the first delivery of the patient or the medical student was either a Negro or a charity case, generally.

SCHMIDT: I think the most interesting thing was that you didn't publish it. I think that is the question with regard to the development of a symposium of the sort that you described.

PARSONS: I've heard it talked about a good deal. I remember one conference on clinical teaching I attended where it was talked about a great deal. The very great changes that have taken place, particularly because many patients were paying their way, nowadays, not necessarily personally, but through various funding arrangements, Blue Cross and Blue Shield and things of that sort, so that they were not charity cases in the older sense.

MERTON: It is interesting that this subject illustrates the two themes that seem to have been running through all of our discussion so far, and I say it's interesting because on the fact of it it is most improbable and I, therefore, find the emerging two themes all the more cogent. I reflected on leaving the room and sitting in a telephone booth with nothing better to do, and the two main themes seem to be, first, the question of what are the sources of explicit discrimination against the Negro. That is to say, the problems that grow directly out of prejudice and its exercise in discriminatory behavior, with the Negroes being treated qua Negro, and there is very little more that can be said on that subject that could be illuminating. At any rate, powerful cases would have to be made for including it in this inquiry, that is, explicit discrimination growing directly out of prejudice toward the Negro. The second theme, namely, the indirect victimization of the Negro, is not simply the exercise of prejudice toward him. Owing to his position in the social structure, he is being victimized by economic trends, economic developments, educational developments as by-product of powerful general trends in the society. Now, this case of abortion as you described it, Dr. Schmidt, seemed to me to be still another instance of the second theme. That is to say, you were not raising the question that the physicians and the students were discriminating against the Negro qua Negro, but that it is his position in the economic structure that results in the increasing tendency to make the Negroes available only when they can't fight back. They are not in an economic position to have much choice, and those of us, and I suppose everyone of us in this room who has waded through literally scores, if not hundreds, of disquisitions on the Negro problem in the U. S. (Mrs. Miller ought to be questioned on the subject) would agree that it would serve as a great purpose, and still another one, bringing the facts up to date, which would simply deal with the outcomes of direct discrimination. At least, I put that as a question just to focus the issue.

FEIN: I think there are a couple of things I want to say. One, I think that there would be some usefulness attached to a profile, economic, social, demographic, of the Negro. I say this at the beginning because we have tended to use, in spite of our own strictures, and for good reason, the word Negro, identification with the poverty group and so on, and

I suspect that unless we make a very conscious effort to remind ourselves, we will forget that 50% of the Negroes aren't in the poverty group, if one wants to define poverty with some absolute dollar income rather than an attitude. We would very likely forget that the average education of Negroes I see between the ages of 25 and 29 is now 11.2 years of schooling. That is, we may very likely forget that there are tremendous differences in the Negro population between young and old, urban and rural, income, occupation, etc. And I suspect that these are differences that are generally forgotten because it is so much easier to talk about the problem as if it was a homogeneous group that we are speaking about. This, it seems to me, is necessary in relation to Dan Bell's talk about Negro middle class, what is it likely to do, etc. I should think that there should be some useful research in this kind of descriptive piece that reminded us of some things that we might forget.

Beyond that, I think that within economics, there has been a bit of a debate on the relative role played in the determination of Negro income, relative role played by discrimination, for instance, lower educational attainment, and I think that it would be well to see what could be done to learn more about Negro education, not as a function of years of school, which tend to be the measure that is used because of census definitions, but rather in terms of content, quality, output. Without that kind of a resolution, you come up with very odd sorts of figures. One can attribute most of the differential in income to discrimination, because years of schooling aren't for some groups, some ages, very different. If you start assuming that there are differences in the quality of schooling, then discrimination becomes less important and education becomes more important. In terms of the policies and the kinds of things that Talcott Parsons was addressing himself to in his earlier remarks about the importance of education, I should think that it would be very useful to know more than we do today about the quality of schooling, lest we take these numbers at their face value.

HANDLIN: I was really speaking to Bob Merton's point of view.

KAYSEN: I would just like to ask Mr. Fein to say one more thing, which is, how, if

he were, so to speak, commissioned to put down such a profile today, how much of the relevant information is at hand? How much really would you have to dig for things that we don't now properly know?

FEIN: I don't know, Carl. I should think that the 1960 census tells us quite a bit. Dan Price is doing one of the Social Science Research Council monographs, out of the 1960 census, on the Negro. I saw Dan yesterday. It was my impression that he is very much concerned about mobility. . . cohort basis. It was also my impression that there are still data that aren't being looked at as carefully as they might be, on income and so on. So I think that, while I am sure that, when one got into it, one would wish there were more data available, I am equally sure that the data available hasn't been explored sufficiently.

KAYSEN: So that, leaving aside the question of mining your census, which may be and usually is a ten-year enterprise, one could make, from your point of view, out of the materials at hand and appropriate levels of detail, a pretty good assembly, now, on the points that you would pick out as being equal.

FEIN: That would be my suspicion. I may be wrong.

HUGHES: The quality of schooling?

FEIN: No, not the quality of schooling, no, that is clearly no. It's negative things on the quality of schooling. The quality of schooling isn't in the census; the years are, and that's just the trouble.

KAYSEN: The quality of schooling might be in the draft debate statistics.

HANDLIN: Apart from the report of the President's Manpower Commission in January, there hasn't been any effort to use the draft material. I was really signaling your attention to the comment by Bob Merton. First of all, anyone agrees that there is a preponderant attention to the sources of explicit discrimination, but I am not sure that we have enough on that, and especially enough in the light of the situation since 1945 and especially enough on theareas where it is likely to be most important in the deep South. Almost everything we have, a good part of it, was written before 1945, and the rest of it is written as if Mississippi, Alabama and Georgia are what they were before the war, and so on. Yet these are very rapidly changing societies,

and the consequences--their changes and the changing social structure in these states--on the Negro may be very important, and they really haven't been treated.

On the second point, I would sort of agree with what you mean, although I don't like the description of what is happening in indirect victimization, because it makes the Negro purely a passive quantity, or seems to, as if whatever happens is unilaterally the effect of what non-Negroes are doing for Negroes. I know you don't intend that, but I think to put it in these terms would be to miss part of the dynamics of the process. For instance, this whole process of medical care about which Dr. Schmidt talked is certainly connected with the absence of any autonomous medical institutions in which Negroes themselves have a controlling voice. Certainly the situation of other groups is different in that as soon as there was a core of doctors, then they set up hospitals of their own kind. Now, there are reasons why the Negroes don't want Negro hospitals, even when, as in New York recently, they were offered one. Partly it is a sense that this runs counter to their whole objective of integration. Partly, it falls through the absence of that kind of communal structure about which Dan Bell and Pat Moynihan spoke earlier. To regard this problem, which is a problem, as simply one created by the non-Negroes for the Negroes is to miss the fact that there are involved two sets of reactions in it, both of which have to be considered.

MERTON: Well, I simply want to speak to the second point first. I hold no brief for trying to summarize the intent of some of the discussion by using the term victimization; I willingly throw that out as red herring terminology. I believe that the essential point of the second theme is precisely what you are addressing yourself to now, that here are identifiable processes in our society and our economy which have differential impacts on different sectors of the population, and we would be trying to identify those prophecies which happen to have a particularly acute or chronic, but large-scale, impact on the Negro population and different strata in the Negro population, so it would be a parallel, I suppose, to the concept of structural unemployment, which is not thought of ipso facto as being related to discrimination, but if it turns out that for historical reasons the Negroes have been differentially distributed within the occupational structure, then

they are being "victimized" by these impersonal processes, not by whites deliberately posing these adverse conditions, so I would drop the term, but it seemed to me that was the concept.

Now, on the first point I was trying to crystallize these things and in doing so one tends to overstate, so I don't think I am yet prepared to retreat entirely from my version of the first point. As far as I know you are quite right in saying that a great bulk of published material does refer to a somewhat earlier period, and, the pace of change being what it is, may be in part historically obsolete, although there is more that has been done in the last half dozen years than one might suppose. But even there, as you describe it, the patterns of discrimination begin increasingly to be seen as responses to impersonal and objective conditions. I didn't mean to imply that discrimination was totally disappearing, but it is to be regarded as an intervening process and not the source of the problem, which is the traditional commonsense view of it--if you can only change that kind of discrimination which flows from prejudicial attitudes, the problems would all be dissipated, which is a kind of backhanded utopianism, and it is I think partly what Talcott had in mind by saying that thinking purely on the normative plane of dissipating prejudicial attitudes will in turn affect patterns of discrimination, which will then probably dissolve and change. And it's that theme which I think is largely absent, both from the old materials and the relatively newer ones.

PARSONS: I didn't mean to imply that that side should be neglected. Very notable changes have taken place at that level, really good clear accounts of what they have been and how they have occurred and what the future prospect is are very hard to find. It seems to me that if one of the best lawyers could have an essay on the development of Constitutional thought over a considerable period, it would be a major part of the total picture that Daedalus ought to present.

MERTON: In the matter purely of attitudes, of sampling attitudes toward Negroes, there is a new paper now at press that will appear in the Scientific American-- it's a follow-up of the older paper by Sheetsly & Harriman that's been brought right up to date, so we now have, I think, a time span of 20 years plus in their systematic

comparison of the prevalence and distribution of attitudes in this country.

HUGHES: If we're still in the phase of bringing up topics which might be treated, I don't think we've done as much as we might about the resistance and the social consequences of the resistance. And if one had been in Mississippi lately he would notice that a few changes have been made. One of the changes that I'm told of by people around Millsaps College is that the professors are moving closer to the campus, and even a white college campus is becoming like a compound--they don't feel very safe, they feel that their children will be sat upon as nigger-lovers, that they will be unwelcome in the community, and a very close tightening-in has occurred. I was in Tougaloo College--the only college in Mississippi where they dared try to have an integrated meeting, the first integrated meeting of sociologists in the state. There are 11 members of the American Sociological Association in that state, four of them at Mississippi State University, which is the only one that has any research money from the Department of Agriculture. Those four men did not come. They had been told that it was not in their interest to come to an integrated meeting. There are some very interesting socio-psychological questions. If you go there people will tell you that there are more and more people in Mississippi who don't agree with the integration policy, but there are fewer and fewer who dare express those attitudes, and I think this phenomenon of the effects of a bitter resistance is an integral part of this story.

HANDLIN: You've got Alabama, Mississippi, Georgia and South Carolina. As of 1940 one would have said these states could be handled pretty much in the same way, and they have been. Georgia and South Carolina now are altogether different from Alabama and Mississippi. I haven't the vaguest idea of why.

MAYER: My point goes back to something Mr. Fein said some time ago and also a point which Mr. Merton made of the dating of our information. In preparation for this meeting I thought it would be interesting to see if I could find anything on nutrition of Negroes as compared to other groups, and I was struck by the fact that there was a great deal of work done in the '30's at a time when pellagra was still one of the great killers in the South. And that there has been no study really on the nutrition of the

Negroes since. Not only that, but writing to the various health authorities in New York City I thought would give some information; it turned out that there have been a number of studies on food habits of Puerto Ricans, food habits of Eastern European Jews, food habits of Italians, all sorts of little hymn books that are given to people in welfare and so on, so that they will know what the food habits of these people are and what their problems are, their attitude about food, but there is nothing about Negroes. If you talk to the people who are in these departments, it is quite obvious first that their attitude is that they don't want to study it because that would be discrimination, and that this has become a subject which is taboo, comparing Negroes and whites as such, and is in itself an obstacle to progress. The second thing that you do find, both in New York and to a certain extent in Boston, which is important from our viewpoint, is that there are certainly basic differences between the New York born Negro or Boston born Negro on the one hand, and the very large immigrant element which is a Southern element, and this makes for differences in food habits. It makes for particular difficulties, as a matter of fact, on the part of the southern immigrants because they are trying to reproduce a southern diet, which is a poor diet, but more costly to reproduce in the north. Just as, for that matter, Puerto Ricans spend a lot of money buying bananas and guava jelly, which is of no great nutritional value. But these things, neither dietitians, no one has found out; there is a complete sort of black-out of information on the Negroes as a consuming unit in terms of nutrition since around 1945.

MERTON: Steve, doesn't this raise a general policy question regarding the proposed study? Is the thought that this study, if it is begun, would be based on existing material as distinct from digging up new material systematically? If it's the latter, then I suppose that we are talking about a time span of 3 to 5 years at a minimum. If it's the first, we may have very little option, that is to say, if your exploration found there is simply nothing available in undigested form, I think that would be an appropriate way to describe it. But then, there is nothing much that can be said about it, except to raise the issues and to point to the need for initiating new

inquiries. I should think this should be one of the general questions, too.

GRAUBARD: What I thought we would do this afternoon is lay out some of the problems and then perhaps in the session tomorrow morning. In this connection I would just point out that before you came in, Oscar, I once mentioned the earlier committee that sat here under your chairmanship, and one of the paragraphs in Mr. Handlin's report was that participants were impressed with the fact that Myrdal's American Dilemma was published just as the change in racial relations started. This impressive work of synthesis was undoubtedly influential, and it has offered a neat opportunity to study not only social change but also the role of social science in affecting social change. A frank view of this subject that focused on what has happened since Myrdal's book would measure the important changes of the past 20 years, would point to the directions of probable future development, and might say something useful about the validity of predictions in the social sciences. Now, this might be really one sort of thing, I think, much of this would be in your category of a 3 to 5 years study. I think in much of the earlier talk this afternoon, we have really been discussing other sorts of topics on which probably the research is already, if not done, at least in an advanced state sufficient to really permit a whole new set of questions being put and a set of hypotheses being offered, and I think they are two different things.

Frankly, one of the things I had hoped for in our sessions was that we would try to come to some agreement amongst ourselves as to what order of priority we might give to these quite separate enterprises. I do think they are very separate, and there has never been an intention in the Academy to launch a program of the ambitious nature that Myrdal, after all, spent four years on and directing a hugh staff, but there is the possibility of research which might need publication in Daedalus, which has sometimes taken three years, and there is no reason why, if that is the most useful thing that we could do, why we couldn't direct it to that. But I am struck with the fact that these two possibilities are quite different.

PETTIGREW: Well, fitting into what you said right there and what Dr. Fein mentioned, too, the need for demographic, economic, educational profiles, going

beyond the census, and what you said there, perhaps comparing it with the Myrdal, and the late '30's. If either or both of those things are done, much the same thing, I would like to see it tied in with what Dr. Merton mentioned earlier. It seems to me to be most useful, in terms of practical aid for the situation in which the country finds itself, projecting this future in terms of different alternatives that would be open to Negroes depending upon what happens, depending upon the growth rate, and what it is likely to be economically in the future, as it unfolds, as we get further in, different alternatives, strategies, actually worked out. One thing is that I couldn't agree with Professor Hughes more--Negro leadership, at least leadership that is still in control, how long it will remain, I don't know, but the Martin Luther King, NAACP type leadership is hopeless behind, much like Booker T. Washington, really arguing for a kind of training which was already going out in 1900. I think they are pitching their projections of getting the Negroes into American society behind the times, and if we could furnish a role here, not just for them, but for the country, of the speed with which things are, in fact, changing in the general society and how Negroes may fit into it, depending upon different outcomes in the next ten years, so that any kind of demographic, economic profile of where he stands right this minute as compared to Myrdal based on along about 1940, I think it would be only maximumly useful if it were tied into this alternative strategy.

Session II

GRAUBARD: It has been very interesting in these two hours to see both what themes have again emerged, perhaps in some instances in a somewhat different form here, but also note some of the things that came from our original effort that have not in any way been represented, and so I have asked Mr. Handlin if he would speak somewhat about our meeting of, I guess it was October, 1961.

HANDLIN: Well, I will be brief because I am not sure that those discussions really ought to influence this group. The group which met at that time hoped to be able to set up in some way, arriving at a treatment which would not be on an intensive scale, but which would be based on literature of the 20 years since Myrdal and would analyze

recent social change in the context of the very rapid transformation of American society in those years. We came up with a series of questions, and, in fact, we were able to agree quite readily on a table of contents for this projected treatment, and it still looks like a good table of contents.

The trouble began when we tried to think specifically of who could do what, and what there was in the literature that already provided the data for these inquiries. You might be interested in that table of contents. We began with a section on the question of identity, the changes in the view of who the Negro is and where he belongs in American life, and we subdivided that into subheadings which would take account of the historical background, the technological changes, and the migration into the cities, the international situation and the extent to which that influenced the view of the Negro in the U. S., and the general wrap-up of the factors that influenced the salience of prejudice among other kinds of relationships in establishing the position and the character of the Negro. Then we tried to set up a section that would consider the factors within American society that permit the Negro, indeed permit any minority, to ameliorate his condition. My headings there were conventional, the government, the rule of law, the internal structure of the group with passive mobilization, the nature of this leadership, the strategies of non-violence, which I think was interesting because that was only just beginning at the time we were doing this, and yet it seems quite clear that this would be a consequential element. The third section focused on equality of opportunities as a means of maximizing American resources, and there there would be an attempt to measure mobility, changes in occupational patterns, the role of education, and the extent to which changing views of what is public and what is private might influence the position on a group of this sort. And finally, there was to be a section on the causes and consequences of change. We were particularly interested, for instance, in the role of ideas in influencing social change. It might have been useful to begin with Myrdal and see the extent to which social science had entered into the arguments of purists, the formation of opinion, and so on.

The second subheading there was the causes of change. Some of us had a

suspicion that not all the factors involved in major changes which have been going forward, or which were projected or even which are desirable, would be cost-free to the whole society or to segments of society. Some of them might involve sacrifices of other values and might create problems for other groups, and so on, and it would be interesting to try to estimate what those causes were. And then, we were to have a wrap-up of the extent to which all this that we had exposed would tell us something about the nature of the social sciences and the way in which they could enter into a social process. Well, as I said, it looked fine until we began to look at the bodies who would do the work. At that point, we got discouraged, perhaps unnecessarily so, but I think, given the situation of 1961, realistically so; I think it is worth pointing out two significant differences between at least 1961 and 1964, and 1939 when Myrdal undertook his project. First, I think it is fair to say that in the 15 years before Myrdal wrote, there had been a larger and more coherent and more consequential body of monographic work by other people in this field on which he was able to draw. For understandable reasons, nevertheless regrettable ones, I don't think that the years, say, since 1945, have produced a body of literature within this field of comparable magnitude or quality; and secondly, the kind of manpower situation of our own. If you look down the list of people who worked with Myrdal, beginning with people like Ralph Bunche, a very long list of really very competent people, you see an array of talent which was available because this was 1939, the depression; the universities were pretty slow, and there weren't many research projects in operation, and those people whom I knew were not receiving munificent salaries and were not being distracted by a variety of other kinds of opportunities for work, and this is a genuine difference from the situation in which we find ourselves now. Well, in the light of those factors, your predecessor committee grew fainthearted and shoved this in the drawer and left it to you. I don't know whether the same practice will operate now, but I thought you would be interested in this other experience and what it didn't lead to.

BELL: I wonder, Oscar, whether there isn't another element which explains, not only the lack of research, but in effect your most interesting failure, the failure of

everybody to anticipate the whole Negro explosion. I think in part, in a way, the whole tone of Myrdal was to say that the victory was won; it was only a matter of time. The whole impetus of the Myrdal book you recall, is to say that this is really a problem in the minds and hearts of white Americans, that people have a desire to be rational, that there is a commitment now for change. These people slowly being pressured away had a long chapter on the attitudes to follow as they began to realize how irrational it is. Of course, this is straight inconsistency and people therefore want to be rational. So that by and large I think the implication was, fitting in with the post-war mood, that it was all a matter of time until the situation is really taken care of. And I suspect that this is a conjunction of Myrdal himself, in terms of what he was saying, plus the mood at the time; so that this leads, you see, to another kind of question. Also, we're going to take care of it again, in that in part the mood of the earlier discussion was probably reflecting the same kind of rational bent, intrinsically, inevitably. What we do about it, what sort of policies can we effect, what sort of new knowledge do we need; by now, however, we may have lost part of the purchase on it, because so much of this is being done outside the perspectives of the two antagonists. There are really two antagonists, the majority of them sort of sitting on the middle helping one, the two being the Negro community as an antagonist, and in a very real way which it wasn't before, and the resistence in a large part of the South. There is a heavy commitment on the part of the Administration for most Americans to help the Negroes, but by and large there isn't even an integration obviously between the Negro movement and the favorable white majority in this respect. And so it's even a divorce and a growing separation between the Negro movement and the majority of white Americans sympathetic to them; so that one feels in some respects it is getting out of hand. You feel it's got to come back somewhere. As I say, one senses you can instutionalize a protest movement, but at the moment it seems to me that these are the different dynamics of it. When Pettigrew said earlier, just before the break, that Martin Luther King and the NAACP may be, in a sense, out of things--it's not only may be out of things in not understanding the rare changes in society, but equally in the

response to their own rank and file in terms of what is happening within the Negro community itself. I am just afraid that we will repeat some of the implicit optimism which is behind the Myrdal report, and we don't get a sense of what the actual currents are, both inside the Negro community and, as everyone said earlier, the kind of resistance that is being generated, particularly in the white South.

FREUND: I am under the disadvantage of regrettably having arrived late, and so what I am saying might be repetitious, but it occurs to me that perhaps one reason we haven't anticipated, or didn't foresee developments in the so-called movements, is that we were focusing too directly on the part, we were being too scientific minded and not imaginative enough in making comparisons with other movements, not historical enough, too empirically orientated, if I may say so. I know that it is dangerous to do it, but the returns can also be very--almost uniquely enlightening if you get an imaginative analyst. So I would hope that we could focus not only on the so-called Negro problem, but on a comparison with the labor movement of the '30's, for example, when it is asked, after the Civil Rights law, why. It might be relevent to say, after the Wagner Labor Relations, why. I mean, there are obvious differences and, for collective bargaining, one may have to substitute political participation on the Negro side. Nevertheless, it seems to me that one shouldn't lose sight of other movements which can help us understand this movement.

Another point that occurs to me has relation to the legal side of all of this. Someone mentioned the desirability of a summary of constitutional developments. Well, this has some use. I think this is the thing that has been done most fully, relatively most adequately so far. I would hope that there could be some study of the law in operation on the lower grass roots level. That is to say, what goes on in the courtroom, in the police courts, in the magistrate courts, and so on. I think some of the most significant Supreme Court decisions have been the recent ones, having to do with the requirement of common courtesy to Negroes in the courtroom, and segregated seating. In relation to this is also the question of Negro participation in law enforcement, to what extent they are being added to the police force, how they are

being used on the police forces, to what extent they are being used as probation officers and the like, and with what results.

Another somewhat broader legal topic has to do with, as it were, the white man's problem and how to reach the white man through sanctions. I know this is a very difficult and subtle question on which the law is begging for help from sociologists, quite apart from the Negro problem. What are desirable and effective and relevant sanctions? Two of the great civilizing instruments of life, I think, are hypocrisy and greed, and the law plays on both by enforcing the overt, non-discrimination; it's hoped that this would become internalized somehow, and that after civil rights will come civility. How realistic is this? I am not loading this, I am asking how realistic is this? Greed is another powerful civilizing factor. To what extent could monetary or economic sanctions--or inducements--be more widely used? Of course, the bill does contain some in connection with bonuses for compliance in certain school systems and that sort of thing. Whether more of that might not be useful, whether sociology could tell us something of a more general nature about these various kinds of sanctions, which are at hand in the arsenal of the law, and among which the law has to choose.

HUGHES: I want to make a strong comment and sort of a substantive one. Michael Banton of the University of Edinborough, who is an anthropologist who does work in West Africa, has also been studying police and equipment around here and one of the things he did here was go to the South, and also Boston, and look at this question of the lower levels of justice, as metered out by police; and he has a monograph that will be out , and he is a possible person to draw into this. He taught at MIT half of last year.

MERTON: Dan, you referred to the possibility that the Negro movement was not foreseen a dozen years ago. I don't know what the evidence on that might be, if that was part of the enterprise, if one looked into the intonations that occurred and were recognized, and the extent to which it was foreseen. But, however that case may be, in retrospect, it might be useful to look into the origins of this movement, not merely in a descriptive way, but, hopefully, in an analytical way. It's at least plausible, and

in fact so plausible as to be probably true, that a work such as Myrdal's and all it symbolizes and represents, may have been one of the sources of this Negro movement, far from Myrdal, so to say, having been a passing phase because he possibly misread the dynamics of the situation. What I had in mind are all the obvious sorts of things that we all reflected on. It is a matter of fact that the Myrdal work and others like it were at the very least alluded to in the Supreme Court decision. I happen to be not among those who think that this was a social science decision and that the social science brief was decisive. I think it was convenient. The fact remains that the facts and the kind of thinking recorded in the Myrdal work and others of like kind did possibly in this way change part of the legal situation. As the opportunity structure did improve, you have the possibility that at the very point where a supressed stratum or minority is starting to improve its condition, you get organized revolt or organized revolution. I think that is always true; in any case, investigation of the sources, diverse sources, structural things, the dynamics at least of this movement might be useful, because it, too, could lead to a projection of what might be the next phase.

BELL: I would say, roughly speaking, if you ask the obvious question, why at this time, taking into consideration that this is a four or five-year situation, I think you can fairly quickly bring together a variety of elements which conjoin to bring this. I think the impact of the continual unemployment and the differential consequences of that upon the Negro community, and to some extent even on the Negro family structure, and in some cases like Detroit it seemed to be stabilized. I think one of the curious elements is a fairly obvious one; it is that the Negroes placed high hopes in Kennedy, and that one of the precipitating elements I would say is the curious way that they thought he would go ahead very quickly, and then when Kennedy said that Civil Rights would have to take a back seat to other reforms, you suddenly got this tremendous upsurge out of a feeling that they were being cheated out of a political victory, that they thought they had done some political bargaining, and found that they weren't getting a pay-off on political bargaining. Then Kennedy began to reverse himself slowly and began making more speeches on this, until finally he came up with the Civil Rights bill, so that in those senses it seems to me that one can fairly quickly identify some of the sources which

conjoin that way.

HANDLIN: I think it would be interesting to try to localize the sources of the present movement. I think it involves considering the effect of that whole body of literature of which Myrdal is the culminating work, and influential. The interesting thing is that although there is less, I think there was less, original monographic work in the last few decades, the conclusions of that earlier body of work were thoroughly absorbed into teaching on this subject, both in the universities and down in the high schools, so that a young person who was growing up in the '50's would have absorbed these conclusions just as a matter of course, and would be startled by the contradictions between actuality and what he had learned.

MERTON: Just as a footnote to that, Oscar, those of us who were students of sociology many decades ago can well remember the work that came out of the University of Chicago in the 1920's, principally Robert E. Park's work, on the etiquette of racial relations. The chapters of Park's own work and the work of his students deal with the status symbolism of forms of address. Forty years later the emergence of a Supreme Court decision is self-evident of a decision made instantaneously, but when Park was presenting this then strange notion of the etiquette of social relations and its symbolism, it was a bright new perspective, and the extent to which a great deal of the thinking of these academicians presumably imprisoned in ivory towers has been absorbed through the teaching process, the extent is, I think, one of the small degrees of hope. It isn't the old notion of education as a panacea. It is a much more brutal form and much more specific notion that certain ideas become so thoroughly indoctrinated in new generations that after a lag of too many years, perhaps they become the unspoken new assumptions of the age and it isn't the direct illusion. As far as I know, Arthur Goldberg has not referred to Robert Park, but Dr. Goldberg, withal unknowingly, I would submit, was quite directly influenced by Park, probably without ever having read a word of his.

HUGHES: I think this is fascinating, because I was one of the students in that group. You hear people express these ideas--they are common coinage--who haven't the least idea of where they came from. Sometimes I get quite annoyed, and then I think that I shouldn't be annoyed; I should be pleased as hell. It seems to me that when we talk about having predicted

something, we would have to say, on what model were we predicting. You could predict on the "O, lord, how long" model, saying that people who are oppressed get sorer and sorer, and you would predict when the explosion was going to occur. On the other hand, you might have been predicting changes in social structure, which takes us back to Talcott's original talk. There has been a fantastic change in the condition of the Negro in this time, and it has interested me in the last few years that the American outburst of the Negro is happening at the same moment as the Canadian outburst of the French Canadian. They have both turned the corner and have become intensely urban. The French Canadians are now the most urban element in Canada, except the Jews; and the Negroes are one of the more urban elements in our populations, a terrific change in their whole occupational structure, as well as, and let's not forget, changes in the world structure, and the French Canadians are saying "Look, we are the oldest minority left in the world." And they are right, the oldest one that wants to be, and the question is when you predict these things, on what model do you predict--world situations, social structure, or simply people on the normative thing that Talcott said we shouldn't rely on too much.

MERTON: My footnote to your remark, Oscar, was a long footnote. There are just two or three sentences I omitted. It was intended to suggest that one of the ideas originally set forth in your 1961 Committee might well be preserved. That is that an effort be made to see, to determine in what ways, and to estimate to what extent, social science ideas of an earlier period entered into the thinking of significant groups in the population. I think perhaps the only new twist is to examine the possibility that the lag is perhaps of the order of 30 or 40 years, and that one might have to go back to work written in the 1920's rather than look at the immediate present, because the rate of flow of ideas into the minds of those who are not in a particular speciality is something we know very little about. This most recent court decision is a symbol, at any rate, that there might be a very long delay, that there could be a delay of the order of 40 years between very clearly exposited ideas and academic inquiry, and their becoming absorbed in the idea structure of people who are themselves not academicians, but who have been exposed to these ideas.

MAYER: Hasn't one of the changes which has taken place, since '61 in particular, but a little older than that, some relevance to the problem; namely, the arrival on the scene in the United Nations of 15 or 20 African-Negro republics, which I think may have far less of an impact on the Negro in the U. S. than one might think, but certainly does have a considerable impact in terms of the urgency with which many of the more educated Americans accept the idea that we have to do something about the problem, for external political reasons rather than for internal or moral reasons? Another point which might be worth considering, if this doesn't extend the range of the inquiry too much, is the problems of some minorities throughout the world which have resemblances to and differences from the American Negroes, such as the one that Professor Hughes mentioned. One which struck me this summer when I was in New Zealand was the fact that while all New Zealanders profess the greatest admiration for their Maories, and are very pleased to tell you that this is a great race of people and one that they are very proud of, and they speak of the military record of the Maori regiment and so on, but when in fact you look into the situation, you find that the Maories are very much in the same type of social environment as the Negroes in this country. They are the poorest urban minority; they have a very small proportion of their number in the professional classes, and this in a country which claims not only that it has no discrimination against the Maories, but that this is a particularly superb group that they are very proud of.

MOYNIHAN: I believe it may be relevant to this question of the transmission of social science ideas into public policy to say that one of the biggest issues, or one of the issues of race relations in this country today is the question of unequal treatment, a positive bias for the Negroes. Some of the Negroes have demanded it; some people have suggested it is in order, it is necessary; some people might even suggest that if ever you are going to have equality, you are going to have to have inequality of treatment right now in the form of favoritism. But the immediate reaction from several quarters is that this is precisely what we are trying to get rid of--unequal treatment--and the New York Times felt compelled to say that this was a terrible idea, each governmental official in turn feels he must say that we musn't have anything like this, that everyone must be treated equally.

And I was thinking that the Academy might do a great service if it were to look into the question, if the Academy, for instance, were to come to a conclusion that if you are ever going to have anything like an equal Negro community, you are for the next 30 years going to have to give them unequal treatment. I think the possibilities of thus legitimitizing such treatment might have some relevance to public policy right now.

HANDLIN: This involves a kind of broad question which is very difficult to think through. If you are ever going to have an equal community it must be put in terms of a question: is it one of the values that we think are important in American life to achieve that kind of random, scattering, individual status, so that every ethnic group would average out at about the same point? That would rest upon the premise which has no plus either way, that abilities are readily overrated, that society has a greater stake in satisfying groups than in maximizing the use of talent. There are a whole range of considerations that have come into this issue which nobody has really explored, and the only map of preferential treatment that has come up is a sort of slogan, and many of the people who use it haven't gone beyond the immediate attractiveness of the slogan, and I should think that this discussion would involve a certain amount of questions about the whole thing.

HUGHES: Certainly there is quite a bit of literature on the philosophy of this. The nationalistic literature in Europe, about the time of the First World War, where there was great emphasis on the same thing as the integration-separation-dialectic. The Catholics in the time of the Kultur Kampf in Germany asked that they have their just proportion of judges, professors, and so on, with all the institutions in the Rhineland. Do you ask for this, or do you ask for open competition? This dialectic is always there, and I agree it would be a good thing to get an idea of the history of this thing; this is wide open and, in fact, in Canada, one moment they say, "O, we want fair treatment," and the next moment they say "Why haven't we got our fair share?" and these are two ideas--a real problem.

PARSONS: Well, I think Mr. Handlin somewhat misunderstands the main thrust here. It seems, I would say as far as basic American values are concerned, that there are two primary aspects of equality which are analytically distinct. One is the equality of basic rights, which, I think, includes the kind of social acceptance that I was trying to formulate,

and the other is equality of opportunity. Now, by virtue of the latter, it is extremely unlikely that groups will come out with equal representation in all valued contents. By virtue of the former, however, where it seems to me that we have had a combination of inequality in both respects, we have had discrimination in the sense of exclusion from basic rights. The most fundamental aspect of that is legal, but the legal is not enough, because of the structural and symbolic discrimination that goes along, in addition to those types of discrimination that can be dealt with by the formal, legal procedure. On the opportunity side, which seems to me a very crucial matter, it seems to me that there is a direct analogy to the famous industry argument in the history of economics; namely, groups which have been discriminated against, groups which have been denied equal access to opportunity, may legitimately be subsidized by the community to bring them into line with others. This again is not the same as the quota system, which has been emerging as a demand, but I think tends to lead, if it isn't a temporary measure, to a freezing of the line. It's the same principle as balancing tickets of a political party in New York; you have to have a Jewish candidate on the ticket to get the Jewish vote, and you have to have an Italian candidate to get the Italian vote, that sort of thing, which may be a good temporary expedient, but not a matter of principle, I would think.

LEVI: I am referring again to the discussion about the incorporation of sociological and other ideas in legal decisions forty years later. Any study, I hope, will do the opposite, too, a reciprocal relationship, changes in the law and in the governmental structure which really probably were not done with reference to the Negro. Rights to counsel, for example, changes in criminal procedure, which have a differential impact, to be sure, on Negroes, but they didn't probably arrive for that reason; the extension of federal power, so that State universities receiving grants for research may now be asked to respond to a federal government inquiry as to how many Negroes they hire, and things of that sort. These are unintended consequences perhaps from farreaching legal and governmental steps which have changed the situation. Now for a great deal of this there is material, monographic and other material. The American Bar Association

studied, for example, the operations of the criminal law and has a great deal of material. Some of this is of relevance, although it wasn't written for that reason, to differential treatment of the Negroes because of the nature of the crime; concern about sentencing which didn't use to exist in the same way, the statistics, the concern of judges about it. This creates rights. The whole FEPC movement is itself an extension of governmental power, and so on. These things have a reciprocal relationship in creating values, placing them now in a different position and changing power with respect to them. So that I hope that treatment will be incorporated.

HUGHES: The last book that I know of, general book, on the Negro and the law, is what, 30 years old? Mandam?

HANDLIN: There has been a book by Jack Greenberg, Race Relations and American Law.

BELL: Greenberg's was the handbook. I don't think that it stands up very well, Oscar.

GEERTZ: I want to do somewhat the same sort of thing Mr. Levi did for the legal side for the sociological side of this problem--the role of social science thought and development of egalitarianism, or whatever you want to call them, in the U. S. I think that in investigating the subject, again, the other side must be looked at, because there is a very great danger of the fallacy of the positive instance here, remembering Robert Park and other legitimate heroes, but we also must remember that this was also the high point of social Darwinism, or hereditarian thought in American society. We would like to know something about why this disappeared from the intellectual society; it didn't disappear, offhand, I think, because of any kind of concern for the Negro problem. Again, it has to do somewhat with the different role of the intellectual classes in American society, the different composition of them. Why this particular ideology which was at one time very strong, which would have supported the other side of the argument today, disappeared and weakened within the intellectual community long before the racial problem became part of the intellectual's consciousness, and the kinds of basis for this in the changing roles of the intellectual community and scholars, and why it persists? this ideology, this kind of hereditarian thought, in some places where one feels it can't be really. Wisconsin is the most recent example of it. Why

do all these people think that Governor Wallace has got something to say to them? Why is this kind of mode of thought up there where there is no "Negro threat" to them in any instance? The whole problem of thinking about why these ideologies flourished in the social sciences or declined independently of this issue might be worth looking into, and then seeing what effect this had upon the direction of thought in the social---

KAYSEN: I'd like to sort of sound a couple of anti-academic notes. I certainly think that it would be a disaster, to put it mildly, if the Academy's energies were focused on the question of estimating the time lag from social science concepts to social action as the important and big topic, but a different one, and it seems to me rather tangential. You know, Keynes said every politician is the slave of some dead scribbler, so he estimated it at 50 years presumably--I don't think it's worth while to correct it to 30 or to drag it back to 60, and I feel that Oscar suggested an idea of equal interest and equal disservice. I agree that the question of equality, what it means, and do we want it, and in what sense is a very important philosophical idea. I would think that given the problems that we are looking at, the status of the Negro is so far from what it should be in any definition of what your goals should be, that I would be highly sceptical that a different path of action would be appropriate, and therefore, since we are not really politicians, a different set of questions to be answered about what the situation is and how it's changing would be important in relation to the change that is going to occur in the next decade. Now, that perhaps is a bold assertion, but I do feel that our energies shouldn't be distracted into things which aren't relevant to, let's say, the probable range of change in the next decade or what can be done to influence it.

MERTON: Carl, you at least agree that that was a provocative statement? I speak to part of it. (KAYSEN: I'll speak to the other.) MERTON: First of all, I think the idea of examining, looking for the historical consequences, emergence of ideas on practical policy, is not tangential. To begin with, it would give us some notion about what the possible outcomes might be of ideas which have been more recently initiated. If you are suggesting that it is a priori clear that the ideas which are now emerging will have no impact whatever on the social process, I think that ought to be examined and debated. I was about to say before you got the floor, and I'm glad you got there first, that the last

two suggestions seem to me to be superbly relevant, and had the further merit of being the sort of thing that could be done and done effectively without intensive new research. That is to say, the documentary materials were at hand and there would be a kind of library research rather than field research. First, with regard to Mr. Moynihan's suggestion, simply to clarify what the assumptions are, these claims for preferential treatment, what the possible consequences are, what the rationale of the different proposals may be--these seem to be of the utmost importance to me. This is being suggested on all sides, and it's a work of clarification to look at it intensively and to try to put some order into it, and it's the sort of job that can be done not at the expense of the rest of the enterprise. Any one, two or three persons who agreed to take that on, could go off in a corner without interfering with the rest.

HANDLIN: I think there is a utility to seeing the immediate problem in its long-term context, and I want an illustration by reference to precisely what would be involved in Pat's suggestion, which we seem to agree is a good one even though we don't know why. Now, if we try to see this in its fullest context, we would before long see a whole range of implications that don't appear on the surface. For instance, the contrast between the European experience and the Canadian experience to which Everett Hughes pointed. Until now in the U. S. rights have adhered to individuals but not to groups, and the claims for equality or for rights of other sorts has never been made so far as I know by Negroes or by other groups.

BELL: Excuse me, Oscar, it's not very true of the labor movement. After all, that's group rights, in all kinds of ways. There is a whole body of law in the last 15 or 20 years.

HANDLIN: Well, it deals with the union as a corporate entity; it does not deal with a laborer as a member of a group, certainly not as an inherited status, but I do think it is fair to say that this approach, which may be desirable, would involve a radical change in our way of thinking about rights. And in the second place, I think it is important to consider the implications of a subsidy in creating an interest in being a Negro. This is what happened to some red Indians in the U. S. You know, it came to be an advantage

in many ways, and if this were to become a consequential factor, it raises larger implications. If you are trying to look forward to a period in which Negro identity would dissolve, the creation of an interest in maintaining the Negro identity would run counter to that. I'm not saying that that should be the goal, but the implications of such an instrumental step ought to be considered. You know, there really are points on which we are quite ignorant and one of them is how badly off the Negroes really are. It seems to me the concept of "The Negroes." The Negroes--for instance, let me put it this way--colored people are a minority of the underprivileged people in the U. S. But nevertheless if you think of poverty by any definition you want to use, colored people are a minority of the poor. I think it would have to be substantially considered what the effects would be on subsidizing one segment of that large a group. Now, it depends on how you define the groups with whom you are comparing the Negro. I mean, if you take a relative definition of white, non-white in the City of New York, you will come up with a significant difference in the median income. Now, if you take a definition that breaks down whites into constituent elements, that difference is not as sharp as it would be if you deal with it in its social terms. Take a city like St. Louis or Cincinnati and describe the immigrants of the last 20 years. I do not believe that you would find a significant differential in the position of the Negroes and whites in those cities. That is, the poor whites that come in in the same period with the same place have not done substantially better than the Negroes who have come into those cities. Now that's a rough guess. It's interesting that it has to be, but this is one of the kinds of information that we don't really have. Or another comparison that may not be as applicable--the Negroes have been a substantial part of the population of cities like New York, Chicago for about 40 years. In other words, this is a migration that is one generation deep at most, and a large part of it is less than one generation. I would say that people like the Italians who came in in the 1880's by the 1920's, forty years later, had not done significantly better than the Negroes have done at the same rate, at the same impetus. I don't know what the different conclusions of this data are, and I am not convinced in my own mind that preferential treatment is necessarily good or necessarily bad. I think it's got a lot of angles in it and I think that it involves considerations of a sort

that are all too easy to overlook, and one of the things we can do is eliminate these features of the problem in a way that can't be done on the legislative floor.

BELL: Oscar, one significant dimension gets omitted from this analysis--I give you one slight bit of evidence. After the '58 recession, when the problem came of who would move out of Detroit when there was great pressure to move out of Detroit because of the high impact of unemployment there, one of the problems was that a lot of the whites who had moved in could move out, and particularly go back south where they could have a little more opportunity; whereas in some studies I remember at the University of Michigan that were done at the time, it was pointed out that a lot of people didn't move back. In large part, this was the first time many of them had been able to get a better education for their children, which they couldn't have got in some other places. That alone becomes, that kind of internal comparison, you see on that gross level misses a very obvious kind of dimension here.

KAYSEN: I suspect that Oscar and I, and I don't think Bob Merton and I, differ on what ought to be studied; perhaps we differ on the language in which it should be described. Take the point that Oscar was just talking about. Do we have as a goal the loss of Negro identity or do we not, and if we do or don't, how do we accept it? Now, my own attitude toward that would be, you know, why ask such a question? On the other hand, Oscar mentioned another thing which I think is a very important question to ask. He pointed out in part of his discussion that it is really a basic principle that we hear, that we try to insure rights in individuals but not in some kind of status groups, in individuals, in functional relations.

Now, I can think of the utility of an examination of this subsidization or preference process in terms of some values that we agree ought to be preserved, and maybe we agree, I for one would, that the notion of rights inherent in individuals is of philosophical value, in law, and politics, it ought to be preserved. But I think you can do that without ever either making up your mind or even addressing the question. What is it that you ultimately want to see happen in relation to the Negro group or any other group of ethnic origin? Perhaps not being an historian and therefore more prone to think that history is made more by random factors than historians think, I rather suspect that trying to answer that question isn't very useful. It requires a degree of foresight that we don't have. On the other hand, focusing on

some value constraints I think may be very useful, and examining possible policy alternatives in terms of how they square with these value constraints is a different way of talking about the process. Now, I suspect that it wouldn't be a very different process and I don't know how much it is worth pursuing the different ways of talking about it.

PARSONS: May I say just a word on the point of Negro identity. That is, it seems to me the kind of equalization of basic rights and social acceptance we have been talking about does not imply loss of ethnic identity. It does imply removal of the stigma of that identity, but many ethnic groups are proud of their cultural background and identification, along with a feeling of full acceptance. I think the global character of the stigma is mixed in but I don't think a person who, well a Jew who is a distinguished physician or lawyer feels that though he has a strong stake in his professional position and professional identity, he doesn't need to lose his Jewish identity by virtue of having a professional identity, which is something other than just being a Jew, because there are distinguished physicians and lawyers who aren't Jews. It is a pluralization of reference groups that matters.

LEVI: I just wanted to make one point in connection with these income figures, which worry me a little bit and which I think are relevant to the subsidization point, because you can get preferential treatment of subsidization at different levels. It may be symbolic, which raises some of the issues which we have been talking about. But if you are going to refer to income figures, then you have to refer also to the services which the community provides which are not included in the income figures and which would really alter them quite a bit, and if the school system, as it is, for example in Chicago, has been a system which has discriminated against the Negro, the income figures are not realistic.

MAYER: May I give an example of how far this discrimination can go even in the city of Boston. The Negro schools happen to be the oldest schools; they have no facilities for cafeteria, and therefore the one group in Boston that doesn't receive the federal lunch program is essentially the Negro children who need it most.

SCHMIDT: The trend of maternal mortality is another indicator, that while it has declined over all to 1/10 of the figure in 1940, the ratio of the Negro rate to the white rate has changed from 2 to 1, 4 to 1, between 1940 and 1961. So that the services are not there in

quantity or in quality, so again isn't that a counterbalancing factor in terms of what status they have achieved?

HUGHES: Bob, wasn't there a Myrdal volume on the consumption, delivery of services, of the Negro--could it be compared in some respects to that?

PETTIGREW: I would just like to shift the focus. We haven't mentioned this, I think because we are all aware of it, but I think it should be a part of the focus of anything undertaken at this point, which perhaps was not so clear in 1961, and that is the form of resistance in the North on the part of whites, particularly of specific ethnic groups. Being a Southerner and studying mostly race relations in the South, I am impressed with the difference in the form of the resistance and in some ways the greater opportunity and the better organized resistance that the North provides to racial change compared to the South. Not that all resistance comes from the lower middle classes, but that is where its most violent aspects frequently arise, and the lower middle class in the South in the urban areas is typically poorly organized. Klans are actually today the poorest organization you can imagine for generating any trouble one way or the other, except throwing a bomb or two, and that doesn't require a great deal of social organization. The fact is that the lower middle class in the south, whites, have left their kinship structures quite broken; they have left their organizations, such as they had them in the rural areas, they are migrants, too, really. They have little more than the fundamentalist church which they brought with them, usually with the preacher from the rural areas, and they are very poorly organized, actually, for intensive resistance in these cities. In the North, however, where we have ethnic group opposition, they are well organized. They have their ethnic organizations obviously all set up to focus resistance. Their kinship structure is intact, in fact, in many places, e.g. the Poles of Buffalo, it may be better than it ever was in Poland. So that this intensive ability to resist, and resist effectively, and with organization, is in many ways greater in the North than in the South. Of course, it is different because in another way more positive in the North, because it received less official sanction from state governments, and so forth. But this is something I think we have to look at, and perhaps the strength of the Northern resistance to racial change was

underestimated.

HANDLIN: Well, it's not that it was underestimated; it's different from what it was before four years ago. In other words, in the state of Massachusetts people who are now resisting demands for racial balance in the schools were the people who threw the FEPC away. Polls in Buffalo voted this kind of legislation in the 1940's and 1950's; now there has been a very radical change in these groups, which is partly a factor of what has been happening to the groups, and partly a factor of the change in demands of the Negro leaders.

HUGHES: In Chicago the neighborhood improvement association and the Catholic parish are two of the biggest forces of resistance, and have been for at least 50 years, and the real estate activities are tied up in this, and when they had to change their tactics, then the new vote decision came against the government.

GRAUBARD: This, of course, raises the whole question of the time factor again. That is, how much can we be concerned with simply describing what is at whatever moment we are working with, and how much must we, in fact, very much in the terms we put out earlier in the evening, try to project forward and try to anticipate what are the likely consequences of further acceleration of certain movements which we have reason to expect will occur and how much such a study must concern itself with the possibility of certain trends now, resulting in important changes which we ought to be concerned to describe.

HUGHES: If we are going to do a compendium, a great encyclopedia of the Negro, you will never get it done. And it might be a good thing to get out a volume that would break new ground on a few points so that, coming out in time, it would be read by the academic community even though the academic community's ideas have respect or not, but it seems to me that the aim of such a volume right now is to be in the hands of people while the action is going on, and is not in a very different phase from what it is now. I should think that some speed would be of the essence.

BELL: I was going to say what seems to be suggested here, though as an entirely different focus, namely, to concentrate on what kinds of things can be done by whom and in what time. Now, if you take Geertz's problem of the structure of the Negro family--this is

not something which is going to be changed by legislation or even social institutions operating in the communities for a long, long time. The problems of the changes in nutrition may be subject to a much more direct form of intervention in terms of immediacy. Problems of housing, residential segregation are again at a different level of the problem. And it seems to me that it would be of genuine service, even to the Negro community in a way, to try to specify what kinds of problems are solvable at what level, within what time dimension, and by whom. In part in any situation where you get a protest movement going, you get an expectation that everything can be taken care of at once, and by government, and we've got to have it made or else. And to that extent you get overestimation of the situation and therefore you'll get a reaction. So it seems to me that there is a kind of cutting edge here in terms of what kinds of problems, so to speak, are solvable in what time dimension and in what areas.

LEVI: There was a reference much earlier by you, I think, on the question of institutionalizing the approaches, and undoubtedly this is my bias as a lawyer, but I would assume that one could really start with the proposition that the present methods will not be permitted to continue to any considerable extent, that there is a collision course here with legal norms, and certain of the methods that have been used which have been effective will be curbed, and then the question is what happens next and what the direction is. Now, to project this notion of the legal system and its effect, possible effect, potential effect, isn't, I think, too difficult to imagine; the consequences of the different modes of operation become very much more difficult. It seems to me rather important.

FREUND: I agree with that. It's a dialectical process obviously; but I do think we could lose ourselves in trying to go after rather difficult abstruse data.

KAYSEN: The analogy you suggested earlier seems to me to raise a caution about the use of the labor movement. As I think back correctly to what the collision course then seemed to be on the part of both parties in the sit-down strikes in 1936 and 1937, might not you have said then what you said just now, and would that have been a kind of useful prediction, thinking back, to make that observation of where you were going in the situation.

LEVI: Well, I would have said it is very difficult to know what would have been said then, but there was an article, as you know, by Leon Green in the New Republic or The Nation to the effect that the sit-down strikes are legal. I think at that point many of us could have said that they are not legal. They will not be permitted to persist and other forms of protest and regulation will have to be developed, which is what I am now saying.

KAYSEN: But another way to put the same thing is if no other forms of protest and regulation develop, sit-down strikes will become legal or will be tolerated, and that sounds very different, doesn't it, although it's really the same thing.

BELL: The difficulty in the analogy that I tried to raise earlier is that you have a specific locus which is the plant; you have a collective bargaining procedure institutionalized through law, through the Wagner act; you have direct bargaining. The problem here is the question of who bargains with whom, and this is a much more amorphous situation and it is yet quite unclear even to the Negro community who is going to do the bargaining in this particular way. There is obviously a process of bargaining; you bargain with the school board on busing or not, you bargain on jobs, you bargain in all kinds of ways, but this is a much more amorphous process here.

LEVI: Well, I think the analogy is a difficult one. I don't wish to pursue the labor part of it. I think there are grave consequences from the introduction of the legal process at this point; I don't think I'm talking about a problem which is dragged in as a theoretical, analytical legal operation. I think I am talking about something which one can predict will be upon us, so that it is part of the problem.

FREUND: I want to refer to what I said earlier: after the Wagner Act, what? I was thinking of Taft-Hartley and the Labor Management Act and so on, and one wonders, as Ed is wondering, when reaction will set in. I think there are some parallels. We did not come to the point of citing the relevance of the sit-down strike, because, I take it as was suggested, there were orderly procedures through collective bargaining. That is to say, the law gave recognition and status to these pressures and forces. Now, in race relations, the problem is to find an outlet of that sort. One can sympathize with

people who throw themselves on the floor because the bank isn't hiring Negroes, and yet I take it that we would all have to say that it isn't legal. One can sympathize to the extent that there aren't legal processes available for, let's say in that place, like fair employment practice laws, or where Negroes throw themselves in the street, there may not be actually available political participation to free access to the registration or employment on the police force, and that kind of thing. So I think there is an ethical problem here which isn't unrelated to the legal problem, an ethical and a pragmatic problem of finding legal outlets for these pressures if we are going to apply the law against them as the present state of the law would indicate. In other words, we would have to find some reciprocity here. We are really down, in a sense, to a political, philosophical problem of beginning with the social contract and I don't disagree with Ed about the course that the law is likely to take, and it is a problem that is going to be on us, but it makes all the more urgent the identification and exposition both of the ethical and of the practical side of this in terms of the kind of participation in the contract that justifies the law in claiming a monopoly of force.

SCHMIDT: I just wonder if there isn't some lesson to be learned from the unemployed movement, rather than the labor movement, that has many big differences but some analogies. There was no specific locus for the organized unemployed groups. There was no plant,for example, they had no trade union; they had to create organization, they did engage in demonstration and so on, but found other forms of negotiation.

MOYNIHAN: Martin Luther King does better than General Coxey.

MAYER: The suffragette movement was that unorganized, I dare say.

PARSONS: I wonder if Dr. Levi would mean that the course of the law is sometime going to impose more and more restrictions on previous freedoms of groups who stand in the way of the equalization trend? Is that the broad point of view? In other words, bus companies can't discriminate even though it's private property. Well, that is a public utility. Anything open to public accomodation is not, can't give their own definition of an undesirable person without restriction, etc., over a very wide range.

LEVI: What I am concerned about, I think Paul Freund suggested it, is that I think the formal law will incorporate many of these aspirations, but I don't think it will make the actual changes, and I think the expectations of the community with which one is dealing will be frustrated and will believe that a continuation of the present kind of tactics will be effective. My guess is that these will be drastically curbed and with all kinds of unfortunate consequences of one kind or another. I don't say more unfortunate than their not occurring, but this is going to, it seems to me, create a social problem of great significance, which is something which ought to be taken into account.

MERTON: If we summarize a part of the discussion of the past 15 minutes or so, we have shifted our attention to the restraints on some current activities that have been initiated to deal with the problem. I think we ought to perhaps consider the implications of such an emphasis. I realize that we are shifting from one emphasis to another, but if this volume or series of volumes, whatever you have in mind, were inadvertently to have an emphasis on the value constraints, the moral constraints, the social constraints, the sources of resistance, so that the volume could be read in effect by those who read it selectively, and say that the Negro must be contained and that the Negro movement is getting out of hand, and if you really stop to think about it, the alternatives are severely restricted and limited. Then, I should think, perhaps the most avid reader of that publication would be Malcolm X. That is to say, I think it goes back to the very early part of our discussion, whether the intent would be to think of alternative strategies within the real situation that are open as agreed upon objectives. If we, in an effort to diagnose those realities, emphasize the obstacles and the restraints and so on, there could be an imbalance in the resulting volume which might very easily be misunderstood. It could be interpreted as an effort to sap the energies, almost a plot to sap the energies of grass roots movements. Thus we would be presented as the white liberals of the American Academy who are engaged in rationalizing not the status quo, but the future status. This I think could be inadvertently--

FREUND: You're putting a little unfair emphasis on the point. I didn't understand the point to be that these protest movements had to be curbed because of the rule of law.

As I saw it, at any rate, it was rather the other way around, that the law must find ways and other instruments of social control, find ways of satisfying the legitimate demands of the Negroes for participation in all forms of American life, if we are going to conserve the rule of law, which we presumably want to do. Otherwise, there will be almost intolerable pressures, not just as a matter of sheer force, but as a matter of ethical claims, to distort the rule of law because of the blockages where they should not be; in other words, we have to judge these things by the alternatives available, and we know it is one thing to say, because white people can't throw themselves into the street, Negroes can't throw themselves in the street. That's the rule of law; but if you ask a question, if the same thing is true about voting or this or that, as the reciprocity of duty and writing, then you begin to have trouble justifying your rule of law, and this seems to me a perfectly legitimate inquiry or point of view and seems to me not anti-liberal or "Uncle Tom" or anything of the sort, but rather thoughtful.

LEVI: Well, I certainly haven't been trying to help Malcolm X or anything. We were invited to look into some crystal ball as to future, and I think the problem that we are talking about is a real one. You know you can turn it whichever way you wish. There is a collision course at the moment, and I think it is an actual one, and I suppose if one wishes to think of the future of these movements and the future of the law's response, this is the kind of thing that has to be taken into account; that is all I meant to say.

MAYER: Haven't we gone full circle back to Mr. Moynihan's question, because it seems to me the answer to all this is, how do we facilitate upward mobility on the part of the Negroes with the minimum amount of trauma or concern, and we get back to the problem which we decided not to pursue further. We do have geographic distribution, for instance, in our recruitment in the universities; should we have something of the same sort for Negroes? Isn't it fairly obvious that the people who are going to be most dissatisfied are the people who have gone up already but are impeded in their further progress? Then the way the society can protect itself against this great discontent is by making it easier for these people to move up and thus thwart further resistance. It seems to me that this is a basic problem that we should address our-

selves to in every field--career, housing, health and so on.

GEERTZ: When you think about alternative strategies, whether they be legal strategies or other kinds of strategies, most of us so far in thinking of analogies which we all realize are inexact--the labor movement, other ethnic groups and their earlier adjustment to our society, Indians on the reservations, and so on--it seems to me one useful thing you could do is to realize, to look at the contrast between the Negro movement and these near analogies--the labor movement is obviously different from the Negro movement; there are lots of others. The people who were sitting down in factories wanted recognition of the union; the sort of things the Negroes want are so much more diffused and more multiple that the comparison breaks down. How the earlier ethnic groups came into a different society, different period in history, this has already been mentioned, about unskilled labor and so on, that part of it was brought out a bit, but there are lots of differences between even the nature of these kinds of ethnic groups and the Negroes, which I would not on an impulse call for reasons I won't go into here. What the differences are might really enlighten us to some of the different directions it will take, whether in terms of legal institutionalization or anything else, and if one looks at Indians on the reservations and the kind of policies that kept them on the reservations that Mr. Handlin referred to, then one thinks about the difference in population sizes involved here and the kind of great discontinuity between Indian culture and the white American culture, the American culture which does not exist among Negroes, which is another reason why they are not an ethnic group in many ways.

All these analogies that we keep trying to think about a very special and, I think, unique problem, are very useful, but I think we ought to turn the analogy both ways to what is similar but also to what is really contrasted about them, because in the contrast there may come out some idea about different modes or alternate strategies, possible futures which will be different.

LEVI: It is not separate from the problem that was raised before, namely preferential treatment, because what is being suggested here is that there should be one law about sit-downs for Negroes and quite another law for sit-downs of other people--now really. If you can have a powerful argument and philosophical base which is persuasive and

and differential and preferential treatment, why I suppose the law may respond to that. This is a philosophical question, and there is a question whether you predict whether this is going to be persuasive.

HANDLIN: We already have signs of that collision, not only in the courts, in the fact that the resistance movements are adopting the tactics of the Negro movement, and you have the taxpayers, and the Parents Associations having parallel sit-ins, and so on. At a certain point if the tactics spread you have got collision.

PARSONS: I just wanted to suggest that it can be a very important distinction between giving preferential treatment in certain basic, legal rights and giving subsidies in favor of improving opportunity; subsidies given specifically for the education of Negroes is very different from allowing Negroes to give sit-downs that wouldn't be allowed to--

LEVI: And one reason it is, is that I suspect the subsidy for improving opportunities for Negroes would never have to be put in those terms.

HUGHES: Well, you could put it in terms of poor people, poor schools. Is there anyone seriously opposed to having the basic legal and philosophical issues here brought out and discussed, the probability of something happening if certain kinds of action are carried on? Surely there can't be anyone who would think it would be a bad thing to do that.

FREUND: As a matter of fact, if you are interested in the effect on the law and on the courts, my guess is that a good analysis of a philosophical sort about preferences and quotas and the meaning of equality, would be at least as useful and fruitful as empirical data. What judges are searching for is a theoretical framework and they are going to have to face up to it.

HUGHES: About 20 years ago when Professor Harold Hunt was our superintendent of schools in Chicago, he had an advisory committee, of which Louis Wirtz was chairman, and of which I was a member, and Hauser the research man, and the whole drive was to have the Chicago school system become color blind. They wanted there to be no such thing as Negro. It must not exist, you just must not know it. And the interesting thing was that this has been completely reversed, and now they ask one to recognize the Negroes and you count them. At that time the whole emphasis was that you were not allowed to

know that anybody was a Negro and you were not allowed to have any statistics that mentioned it, and I think that you've got to take account of this reversal and what it means in all action to understand the thing. It is moving toward the minority thing, with rights of groups, etc. and certain tendencies of that kind.

GRAUBARD: We have reached the hour of six and I think we ought to break up, but may I say that the last point that was raised by Professor Freund is one that I would hope that we could start with tomorrow morning. That is, it seems to pose the question of what sort of efforts might be most usefully done at once.

Sessions III & IV

GRAUBARD: I had the distinct impression that the group wishes the discussion to go on with a few more presentations of the sort that we had yesterday. One subject that we touched on again and again but never treated explicitly was one that Erik Erikson spoke to us about and perhaps could speak to us now about.

ERIKSON: The fact is, as Dr. Graubard put it, you start in the morning and later on you get to the hard facts, meaning that I have to speak on the subject of identity. Everybody is talking about it; it comes up in almost every remark, and maybe one could make it somewhat more complete as to what it is as a psychological force or whatever you call it. I would like to talk particularly on some aspect of it which seems to me to be outstandingly important in the Negro problem, that is the relationship of positive and negative identity. I would like to talk first about negative identity, and then positive identity, and then I will discuss the relationship of the two.

Now, when I write about things outside clinical observation, it becomes impressionistic, and few books bridge the clinical and social science using the concept of identity as a bridge, and in the Negro problem it is sometimes not a very good bridge. But the Negro problem offers me a chance to be a little more systematic about it. This is based on clinical impressions; that means of course that it is basic in episodical observation, and the question is to what extent can episodical observation be representative observation. And I should like to start with a very sad little story. It's about a little four-year-old Negro girl in Pittsburgh, where I use to visit regularly to observe

the children. Every morning she came, very well dressed, very clean, not dressed for play at all, but for a party. She would stand in front of the mirror, take soap and wash her face over and over again, and people got worried about what she was going to do to her skin, so I said to her, you do not need to wash your face that often. Then she started to put soap on the mirror, and started washing the mirror. Then she was again deflected in this nice nursery school way. Someone finally had to give her paint instead of soap. Then she , in an almost temper tantrum way, filled one sheet after another with black and brown color. One day she brought a picture which she said was really good, and it was a white sheet with apparently nothing on it until we saw that the sheet was completely covered with white color. And that was the "good picture." This would be a clinical example from which you could draw any conclusions you want to. Compared with many other items I've observed over the years it taught me something about this girl trying to erase--this was an integrated school you see--to erase the difference between herself and the others.

PARSONS: She was the only Negro in the school?

ERIKSON: No, she was one of several. But you can go into her case history and see why she was the one who expressed it in this way. But what she did express was pretty clear. I was down at Howard University and some of the things that I am saying this morning I said down there. We had some discussions there with these young--what would you call them, volunteers for non-violent integration--and the following incident occurred. I mentioned the observation of a little colored boy who watched Western movies and identified with the white cowboy hero to a point, but they then see themselves as Negroes riding the same way, and something does not fit and they do not want to look anymore. This seemed a bit outlandish until one of these young people said, "Can you imagine what it means for us to look at television and then identify in a sexual way with a white man making love to a white woman and then realize that this is something we cannot enjoy, cannot think of?" I think that this is what I would call identity confusion. It is naturally developmentally very strong in adolescence and results in any number of forms of action. It was interesting to me at the discussion at Howard that the organizers of

that meeting called it a discussion of pro-social action amongst the young Negroes. It obviously means to say anti-social action that is pro something, or an ideal is pro-social action, but why get into this whole thing of what is pro-social action and what is anti-social action, and to what extent the young people who get into this thing know that they are doing something for something and against something else, and what is more important, what do they identify with? And it is necessary for us to ask what is more conscious and what is less conscious, always assuming dynamically that there can be two levels. In other words, one can be very much pro-social and identify with a goal, and yet be anti-social to some extent, depending on what one does not learn. Another example of identity confusion at the moment, of course, would be violent and non-violent action, and between mob action and the action of the heroic individual or the individual who acts upon his own conscience. And then the question would come: Where do Negro youths, or Negroes in general, get positive identity images? The whole question of integration is one that brings up that if you ask what does it mean to each individual person, you can not overlook that one must ask what is to be integrated with what. There was one very touching moment when a girl at Howard said that everyone talks of integration but in a way I don't want to be integrated, and the example she used--and this is the thing I wanted to bring up in the discussion--are these things that are close to experience. She said, "The way my mother laughed and the way I laugh-- I wouldn't want that integrated out of me. In other words, if I have to sacrifice that, then I would rather not be integrated." So the question comes up, is that an ethnic thing? Could one call it ethnic? Does the Negro have a positive ethnic identity to fall back on, or to preserve or cultivate, as other ethnic groups have? I think some of us would doubt that that were so, without a land, without a language, without relatives somewhere else except, of course, Africa which they have to come back to--and the question arises, is the Negro supposed to be less a Negro? Well, admittedly within himself he has a very strong white conflict; at the moment, what are the elements of that white identity? And for many I am sure integration has meant and does mean integrating away from what they were as children and what their people

were, and integrating into the dominant white types, and the question arises into what kind of types were they to integrate. And there must be books on this, and I would appreciate it very much if we could get the references, books which discuss openly and in Negro fiction in an implicit way, what are the various infantile images that the Negro has of himself. I mean such things as "honey chile." That has something to do with what was said yesterday: that is the particular kind of structure, whether it is implicit or explicit, whether the sociologists give it a negative or a positive term, it exists. I don't want to bring in slavery or plantation life, but there is no doubt that at the time when the Negro man could not provide an identity for the Negro mother and Negro children, they unofficially banded together and established the "honey child" identity as one with which every child is born and is worth something on that basis alone, and it does not depend on any initiative or social status which I am sure that many white children have taken advantage of in getting a positive identity, that is just being loved because one is a child. And there is another story about the little colored boy who drove his bicycle toward a white girl, and for this he was beaten within an inch of his life because he had to learn that this was one gesture that had to be erased despite the fact that it was perfectly all right until that one moment. When you reach a certain stage, and I would call it the phallic stage, certain things, even indications of certain things, are wrong. This is what he had to learn. This is what I said before about the Negro boy watching television. So there you have the dirty and the sadistic Negro. And then again you find in Negro fiction, you find descriptions of Negroes standing around street corners and for hours enjoying swearing and anal language, and calling each other by anal names and laughing about it. This self-characterizing and the overdoing of the negative identity--that is common among Negroes.

PARSONS: That is not unknown among white lower class adolescents.

ERIKSON: Every item I mentioned I imagine you are thinking also happened somewhere else. Now the question is--to what extent does it happen more systematically, more faithfully, because obviously you can as an adolescent go through a stage of experiment-

ing with your negative identity. If, then, a positive one is waiting for you, re-enforced by employment and the other things we will talk of later, by occupational images, then this negative phase is a very different thing, dynamically. And this is what I want to speak of next.

There are many more images that are positive and negative at the same time. Now, one we know from our Negro friends who are intellectuals is that you get a compulsive, overly restrained, highly intellectual Negro who fits into intellectual white society. And you find some who fit into artistic white society. But how they feel about each other when they do fit, and feel about themselves is something they can talk about only on rare occasions. Then there comes the relationship between the positive and the negative. And there one has to realize just what I try to say right now; mainly, obviously everybody within himself has to balance a positive and a negative identity. One cannot be without the other. And it is in adolescence that positive and negative images are played out one against the other, where very often of course adolescents will do something which I call "totalistic," which is to make a sudden total choice, and make out of your negative identity your positive one. You find that with the beatnik, for example, who in every way represents what he has learned is least acceptable to his family and to his cohorts. Now he puts it on really thick and totalizes the whole thing, and with each other they would emphasize that this is really the only thing to be in the whole of society; obviously they are existentially inferior. Now this totalistic term is in adolescence; you find it very strongly in the Negro, it leaves two things open. By totalistic I would mean either a return to a negative identity or almost something of a kind of conversion experience such as Negroes have at this moment. Suddenly in action, or in preparation for action, they have this total image of what it would be like to feel good about being a Negro, which ends with them calling themselves "black." This term has now real punch to it, because it is so overdone at times that you know underneath there is still the split. But this transfiguration of a word that meant everything bad before and now becomes suddenly the core of what is good, this is something to be watched. Say that you have that on both sides; then also on the

social scale, obviously the Black Muslims are the creation of a positive Negro identity for which they have to reach out, as most totalistic movements have to do, into the distant past or into some foreign country. They have to have a uniform, they have to have mystical ideas of some sort. This we talked about also. But the main thing is that there is a total decision now that the Negro is good and all white people are bad. And they won't accept any shadings any more. Now you have the same thing on the other hand among the racists, and yet both would indicate somehow that the other identity is also underneath, for example, the racists would have strong inferiority feelings of one sort or another. And it is under such conditions that violence threatens most strongly; this has to be watched as integration proceeds, especially in the north, that certain ethnic groups, as was pointed out yesterday, find themselves suddenly endangered, ethnic groups who may be even better organized because they are ethnic groups, and, as you said yesterday, more than southern whites are, and then violence threatens. I hope you don't think that I am going to in any way deny the political or economic reasons for such violence or for such self-defense, but I would say that the defense of an identity is in danger and it is slipping, and this is something which contributes to organized violence in a very important way. To what extent does one group need another group to fortify its own positive identity needs, to make a negative one out of the other. This has happened. Then we must ask to what extent groups that are only marginally ethnic, i.e. the Negro, and before that in many countries, the Jew, who is, let us say, primarily a metropolitan Jew, who cannot say anymore that he comes from a particular country or area or has identified with any particular language, he has lost all of this, to what extent certain groups may creep along ethnically, less organized groups being the scapegoat. To what extent for example, in the south the Negro absolutely is necessary to the white man to build up what now exists as an image of the white man, so that a great danger arises when that is attacked; again, a transitional stage in which that image would have to be replaced by another one, and that would be my final point.

If one would really think into the future, one might consider something which, in my thinking now, is a more inclusive identity, because it seems to me that in all the

identity struggles of our time, and we must see that they are going on all over the world, apparently the best solution is one where two groups that have previously been hostile and have lived off the negative image of the other find more in an inclusive identity than in one identity over the other. I mean, having gone to school in Germany, for example, if I see the differences now between what the Germans and the French think about each other, then suddenly a European or a West European identity becomes possible. I can see the power of this sort of thing if it is, of course, supported by the hard facts of economic and political development, or maybe initiated by it. In that sense I think one could think about the future of race relations in this country by discussing what kind of more inclusive identity might exist between the two groups, the funny thing being, as you said yesterday, the more you have the inclusive identity, the more you can desert your old identity. In a more inclusive identity the Negro could be a Negro, could particularly in the changing conditions of the world as it is now, acknowledge African descent, and I wish someone incidentally would write something about the relationship of the American Negro to his African descent, but it (i.e. the relationship) could be included in the more inclusive one. The question is only which one will defeat the other. There have been many problems that have been repudiated by Negro youths, for example, the middle class image has been one such inclusive image. For example, in other countries the proletariat image would be the more inclusive thing that could bring two races together. In America the middle class is very dominant as the image giver.

PARSONS: I think that this last jump is an exceedingly important one. American society has unusual assets for adjusting its point of view because of its history of ethnic beginnings and the relative success with which inclusion has come about. I don't think we should overlook, as I just mentioned yesterday, that this includes cases of groups which have had a history of sharp antagonism, most notably the religious groups. I was brought up in a kind of Protestant atmosphere that really regarded Catholicism as pretty close to absolute evil, and it was a pretty strongly set attitude. I think that it is truly remarkable the degree of integration which has occurred. Perhaps I am quite aware of a Boston symbolization of this that took place in February in the memorial Requiem Mass

for Mr. Kennedy, and the remarkable thing about that was that the Boston Symphony Orchestra played the Mozart Requiem in the Roman Catholic cathedral at an actual Mass conducted by the Cardinal Archbishop of Boston. It had never been played at an actual religious service any time before. If there is a single citadel which stands for Boston Protestantism, the Boston Symphony would certainly be it. It is indicative of a more inclusive identity.

MERTON: I suppose what you would have us do this morning, Steve, is to continue with our free associations for a short time. I will give five free associations in connection with what Erik Erikson has said. One, which Erik has suggested, is that this line of inquiry into identity and identity confusion and a pattern of totalized identity, where one becomes not only first and foremost a "black," exclusively black, with all other identities being subordinated, that these patterns are derived from clinical inquiry; you thought you could see a bridge between that and sociological inquiry. That put it into my mind that very similar ideas have been developed on the sociological side of this non-existent fence between the two disciplines. In the work of Willard Waller you will find, going back 25 years, that he felt the notion of what we call "counter mores" among groups who have been repudiated by a dominant group, but then established their own set of mores, which are, as it were, the negative image of the prevailing mores. And I rather suspect that that is one line of theoretical integration between your clinical inquiry and social patterns that have been recurrent. In connection with that, when the bottom rail tends to make itself the top-most rail, that pattern has been identified historically many times as taking an epithet that has been invidious in the past and then proudly assuming it as your very own. The Quakers represented that. And one can identify many more.

I should think that if in any part of this inquiry the Black Muslims are dealt with as specimens of a more general problem the really confusing aspects of the Black Muslims is that they are a complete repudiation of the whites and white culture on the one hand, and their almost complete acceptance of an extreme bourgeois cultural pattern, all for self-discipline, the emphasis on grit, a certain kind of asceticism, the kind of neatness of dress that is almost a caricature of the old-time bourgeois, and the question

of whether that doesn't exemplify a certain kind of ambivalence that is implied in much of what you said. Then this pattern of dependence on the enemy. . . that is to say, that the character of one's own culture, one's own social organization, is partly dependent on the conflict with some other group; and as you eliminate the enemy you get a disintegration; you have what I think is a beautiful novel on this subject by a young Negro who happens to be a graduate of Harvard of two years ago, William Kelley, called A Different Drummer, the title obviously taken from the Thoreau passage, where the theme is a very simple one. What happens to a hypothetical second state when every Negro leaves it, and his analysis of this fantasy I found very productive.

Then one last question which would be suggested by what you said, though I confess that I don't see any logical connection; would we once consider a certain kind of mobility among the Negro population in this country and have a focus on it? I am referring to the very conspicuous mobility of Negroes in certain sports in which they gain pre-eminence, and in which you have a strange situation where the whites are scarcely competitive with Negroes, where the pre-eminence of Negroes is so overwhelming that the whites have simply not been able to measure up. We know this in a very general way in track, in baseball, basketball, and boxing, and the contrast between those sports on the one hand and the realms of sports such as tennis, golf, handball, where the pattern has not occurred at all. Is there any significance to the fact that certain lines of activity were opened up; you apparently had a double process of almost, in the case of boxing, a new form of segregation, that is to say, originally the Negro was not admitted to boxing at all, so you had all whites, and now you have reached the point where it is almost the reverse. Just the sheer social dynamics of such a transformation, which may have no great historical significance in terms of shaping our society, but it is a specimen of a remarkable change that might be worth looking into and analyzing.

SCHMIDT: Isn't boxing a poor man's job? It was the poor Irish first, then the poor Jews, and now the poor Negroes.

HUGHES: In boxing, Negroes have the advantage over Cubans and Puerto Ricans, who are too little; they can only get into the light weights, but they can't get into the heavy weights.

They are too short. They can start but they can't finish the cycle.

MERTON: In posing this perhaps there is a tangential point, i.e., it might arise with the race in question but not emerge elsewhere. The differential opportunity structure. For example, if we talk about some being poor man's sports and others being rich man's sports and others being rich man's playthings, skiing or crewing or playing handball, and yet what is there about handball that is intrinsically related to wealth? It is a cultural tradition that has led to this result, and this could symbolize opportunity structures in more important spheres.

HUGHES: There are two or three theses on Negroes in sports.

PARSONS: I think Bob will remember that there are a good many studies of Harvard undergraduate life in the 1930's, and one thing that came out very interestingly about sports was that anybody could make the football team regardless of his social status or origin; you might say that Harvard couldn't afford to waste football talent, but crew was strictly limited to final club groups, and they wouldn't tolerate anybody but a member of that socially elite group. I don't know how to explain that; certain sports were simply socially elite and others weren't.

KAYSEN: But Harvard is much better at crew than it is at football.

HANDLIN: I was very much interested in this whole discussion of identity confusion and its problems. I thought I would like to throw out a few questions which I have worried about, which are I think still in need of not only answers but satisfactory accumulation of data. I found it interesting. . . the kind of Negro sub-fiction that is very revealing on this problem. I think we tend to be influenced too much in our estimates by the books that are written either by whites about Negroes, or by Negroes for a white audience, or for an audience that would include whites. Even a popular magazine like EBONY, which is directed primarily at a Negro audience, still has certain kinds of inhibitions because it is seen by whites. The material that appears in a level of writing below that, which is really totally directed at the Negroes in the newspapers and in magazines like TAN, various kinds of true confessions type magazines, I think have a good deal to say about this.

One question that occurs and has troubled me is the salience of color as an

element in the identification process of achieving Negro identity, and whether the mere blackness of the Negro's skin, to the extent that it is black, and it isn't always, is in itself a sufficiently differentiating element that sets them off from other groups. I think it's very interesting, for instance, in this context to think of what has happened to a much smaller group like Japanese-Americans since the war. Here you began with intensely hostile feeling on the eve of war; the war experience did not help it, and yet in the years since 1945 a consciousness of "yellow" as a factor in other peoples' thinking about Japanese Americans and in the thinking of the Japanese Americans themselves about their position, has seemed, so far as I can tell, to have faded completely. The whole issue of Negro color and the connotations that people attach to blackness to me is full of confusion both historically and currently. On a certain level we attach negative connotations to blackness, but, for instance, not to "chocolate" color, which does not have a negative connotation, and yet what is the difference? And if you look at the Negroes, are they black or chocolate color? Historically, this may not be terribly interesting, but the whole point at which the awareness of people of Africa at the moment as black is one that is very puzzling to me. The word "black" didn't mean "black" in English until it was attached to Africans. The derivation of "black" comes from the German word "bloch," and in the fourteenth century it meant white and when Englishmen at that time wished to refer to something we would call black, they would use the word "swarth." You would have referred to a black person then as "swarthy" and not as black.

BELL: Now in England when they report the Negroes moving into an area they say the Schwartzes are moving in. This is the slang now in English newspapers.

HANDLIN: Black becomes black just at the point of contact with Africa. I haven't the vaguest idea why this happened, and of the continuing buildup in subsequent centuries of a whole set of connotations that are attached to blackness and now referred to as a Negro. I was interested when Erik was talking about television. Of course, the nature of media makes a difference. It was perfectly possible for Booker T. Washington to read about George Washington or Paul Revere and get a capacity for empathy, and for identification, that he would not have had if he saw these things on television or in movies. But in any

case I think the whole question of color salience and why it has become of such critical significance in the case of the Negroes apart from other groups is one that baffles me.

I was also interested in the second question which came out of the interesting discussion of clinical material which is confirmed by us. I think that you must know of the work that Robert Cole is doing with Negro children. One of the things which interests me is which ones are confused. You take a group in a school. Some of them yield to these disturbing and confusing elements and others do not. I don't think we know enough about the factors which will lead to a breakdown in one case and not in another. Whether they are personal or social, certainly they are significant and may be related to this question of the family to which we refer again and again. And as I said yesterday, there are many features about the family of the Negro that remain puzzling. I would like to see brought together materials which exist on the experience of families under the process of urbanization in different parts of the world, say among the Africans in South Africa. I know there is a study of British Guiana and compared with what is happening to the Negro family in the city, the situation there, and certainly in South Africa, however difficult the position of the Africans is, they were not subject to slavery or the plantation system in the form that here may have disrupted family life, the position of the father, etc. It would be interesting to speculate on the reason why people like the Chinese, under a shock of comparable kinds of moves and experiences, have managed to maintain a very tight family life, and never have this problem of identity roles, etc.

The third point I think is perhaps most significant for our purposes, and that is the implications of these problems for whatever can be done to direct the process of integration and to give it a positive rather than a negative effect and here we come into a realm where choices may be possible and where decisions about tactics and strategy may make a difference about what happens. Erik asked, and very properly, what do Negroes integrate to, and he pointed to efforts to convert negative to positive images, etc. It is interesting how many of these efforts, which are seen in the extreme in the Black Muslims, involve an obliteration of the past, of past experiences of the whole group,

which has interesting counterparts in other groups where everybody's ancestors were once kings; and it involves also the need to create, as it were, a fictitious paternity. The original Black Muslims in the '30's, when they were still a small sect, referred to themselves as Asiatics. It was not until after the War that Islam was connected with Africa rather than with Asia, and it was interesting in the '30's in Detroit, when these people were first getting started, how they insisted that they were not Africans but Asiatics. Now they have come around I think because of the changes in Africa. I think one of the things that concerns us is the alternative ways of converting negative to positive kinds of identity, and I was very much interested in Erik's analysis of the need to make a negative image of others in order to establish a positive identity of one's own. Two things occur to me. First, what would be the cost to other groups which now depend to the extent that they do upon the existence of their negative image of this minority? The whole existing, or a large part of the existing social order is propped up by the set of negative attitudes toward the Negro. What will happen when you pull it out? This may create kinds of danger that would be very ominous. And the other is whether it's possible for a group, particularly a negative group, to convert the negative sense of identity into a positive one without making negative estimations of some other group, whether there is an alternative. There are analogies; they are not quite comparable. Bob spoke of the Quakers; the Quakers did achieve this without making a negative group of anyone else. They achieved it, not by obliterating their past, but by discovering some general relevance in their own experience that would apply to the whole society in which they were involved. In other words, by establishing for themselves a special mission in relation to the whole society, which gave them a justification both for maintaining their identity and yet a legitimate role in reference to the whole society. I think there have been comparable tendencies in other ethnic groups, and conceivably among the Negroes, although I say this hesitantly; conceivably it might be a case of saying that <u>not</u> by rejecting their past as slaves but by recognizing and emphasizing and by establishing--as in the old days of Booker T. Washington and <u>Up From Slavery</u>--a set of values which certainly would have wide application to the rest of their society. There might be the basis for that kind of identifying factor that would permit a kind of integration

which would not only recognize the role of the group in relationship to the rest of society, but would recognize the value of their own ethnic experience. I once argued this point with a Negro, and I said to him, "Is it better to be the descendant of a slave or the descendant of a slaveholder?" (Many of them are both.) In any case, this is a point that would be worth pursuing.

ERIKSON: One thing that should be, might be considered because you mentioned Cole, who has been studying Negro children, and probably most of you have read by now something of his in Harper's or the Atlantic, and we have studied in fact the impact of disturbance, their experiences on Negro children and found very little neurotic disturbance, which of course he went down there to find, having been trained in Boston, and he's been working hard on this to see the dynamic relationships. What does a Negro child, even a rather small one, feel when he walks through all that yelling? When you speak of children, there is one thing that might be interesting to study, namely, at what age are these things laid down that you are talking about? There is an interesting experience in Germany, where Negro soldiers have left babies from German women, where, in fact, a colored baby is the most beautiful; Germans who had annihilated Jews found that colored babies were the most beautiful things in the world, and with no prejudice whatsoever. But, then in the nursery schools, there comes suddenly an age, just that age when that little colored girl started to wash her face and wash the mirror; the Negro children would look into the mirror and see they were different, and the German children would become different and call them dirty and black. Now, what combination of cognitive developments is necessary first of all. And secondly, what self-images, at what point--obviously it has something to do with the building up of a dirty image of yourself which from then on you have to live with--this process takes place of calling somebody else dirty; there must be something in child development which is critical for that. And then if I may first mention one point about this critical point, this finding of a new identity. Of course the man one thinks of on a grandiose scale is Ghandi. . . what he did for India, where he made out of the non-militant character of most Indians, as compared with the military castes, which is a different thing, a movement in which non-violence would become in fact the sign of

inner strength. Now there are relationships here for example, where the peacefulness of the Negro, his ability to accept pain, is turned under certain conditions into a strength which then is felt even by the whites, strangely superior and something which paralyzes you, the way for example the English feel in India. Wherever one thinks in these terms, one also has to consider, especially within the next ten years, that this is very very dangerous business when it does not work, or when it falls apart. I mean the race riots in India which followed Ghandi. I don't think one can consider such disruptions as completely accidental disturbances of a positive identity process, and if any hindrance occurs, then the thing can fall apart and violence threatens even more than before.

PARSONS: Well, I just thought it might be relevant to call attention to a cultural source of this negative identity which I think is still with us, though it isn't very saving. It was brought clearly to my attention by a very notable study of a South African sociologist who was here, that very clearly in Boer South Africa the condition of the Dutch Reformed Church has identified the Calvinistic split between the elect and the reprobates with the racial line, so that the blacks are those who are predestined to damnation, and it is therefore their religious duty to keep them subordinated and disciplined. Now, in fundamentalist Protestantism in this country and the South, this pattern of thinking is still active. I think it is probably latent over a very much wider range than those groups who would explicitly state something to this effect. That is, the general tendency which goes with our Protestant heritage and is much less prominent in the Catholic heritage, to dichotomize the population in terms of religious value, and states where this does get identified with the color line can be very deeply resistant.

PETTIGREW: I would like to comment just briefly on what Mr. Handlin mentioned, and then comment on the general presentation. The idea of the special experience of Negroes being used as a positive, and in the Quaker analogy, a mission, I think Baldwin has picked up this and made more of it than anyone else. But Baldwin speaks to whites; I don't think he has a large influence on Negroes. I think they feel that he does a good job with whites and leave him to that. But it is at least a popular idea among some Negro intellectuals;

the idea of South Africa as a family example, I think, is bad, because by law the African males coming in off the locations and reservations are split from their families. They live in all-male dormitories, etc., and have to leave their families back on the land. They are stripped of the land because they have to pay taxes in currency and they can't get the money any other way than to come to the city. South Africa needs the labor, but does not want the family, so they have family destruction in South Africa far more severe actually than among Negro Americans.

One positive thing in the negative stereotype of Negroes, I think, for many Negro males, is the sex symbol. Ken Clark, certainly one of the leading Negro social scientists, always says that it's fine to do away with many aspects of the Negro's stereotypes, but please don't change the stereotype about the great potency of Negro males. He says that he's been able to live his life proudly because of that one little aspect of the stereotype and "I don't want it changed!" You also mentioned Cole's work, which shows great resources of Negro children in these integrated situations, and in our identifying with them, we think it must be hell that they are going through, and it is a form of hell, but their resources are much stronger than maybe ours would be in the same circumstance, which is Cole's main finding, which interests me. But I always remember interviewing the nine Negro children who went to Central High School in Little Rock, certainly one of the most serious situations to have to go through in the integration process so far; and I remember one Negro girl who really came to life at this point, and when asked what she was getting out of this integrated experience, the way she put it was, "Well, now I know that there are stupid white kids, too." (ERIKSON: How old was she?) She was fifteen. Obviously, her view of whites had been a very, very positive one, you know. . . all whites were bright. She was middle class, but not, I would say, lower middle class.

But that does lead me to the other thing that I wanted to mention--skin color. The skin color variable has been mentioned here; obviously, it is one of the strongest variables you can use in the studies of Negro personality. Of course, it is confounded with class for historical reasons obviously; another reason is that the lighter skinned Negroes do tend to be more often middle class. It is possible that this becomes a very

strong correlate of, for instance, relations to Africa. The only Negroes we've found, working-class and middle-class samples in Roxbury, who really strongly identified with Africa, who agree with items about Africa, independent African countries helping the Negro American with his struggle, are the very darkest of Negroes; and it seems that Africa serves as a very important identity function for them, but not so much for light-skinned Negroes, at least, so far as we can determine. Africa seems to be practically irrelevant in predicting their reactions to it; the positive aspect of the middle-class inclusiveness in American society. . . I think the term "American" adds much to this. It has always disturbed me that we say American Indians, American Negroes, and we emphasize Indian and Negro, and use American as an adjective. But we say Irish American and Italian American, and we emphasize American for the ethnics, and I, along with some others, make a big thing of trying to say Negro American, Negro Southerner, or Negro Northerner and try to stress the American, Northerner or Southerner. But right at this time Negroes want to stress "Negro." But this is a more inclusive term which I hope catches on; I hope, for instance, that the Academy will use the term "Negro American" in its titling rather than the more usual term American Negro.

This leads me to the final point, which connects, at least for me as a social psychologist, connects what we have been talking about this morning with the force of yesterday's discussion on the more social level. That is the concept of role in the role of the Negro in terms of white expectations of how the Negro should behave and how Negroes grow into this role, which is where, at least for me, it offers a link in what we've been talking about for the last two days, and this is where the negative image comes from. It's not just color but it is the behavioral pattern which the Negro has to live out for survival; and this is where I think the protests that the Negro is now engaging in are so therapeutic. I really wasn't very much worried about whether the March on Washington changed senatorial votes or not; I rather thought it wasn't going to, but I thought it was marvelous therapy for 200,000 people marching down Pennsylvania Avenue for no other reason than that it turns the Negro role, so-called--passive, stupid, slow--

all the rest--irresponsible--it turns the Negro role upside down, turns it on its head, and I think the SNIK kids who were involved in your discussion of the shift from negative to positive identity sensed this in having had no intellectual tools by which to describe it, and were excited by what you told them at Howard precisely because you were giving them some tools that articulated very much their feeling and particularly their feelings for having been publicly committed in protest, which I think gives them a new insight on their own identity problems, but also on how they can change it.

ERIKSON: May I say something. You have talked about this repeatedly, and I couldn't remember having talked to them about this, and in fact I would say now, I wouldn't. It must be somebody else--I talked with them about other things and maybe they felt that that corresponded to what was going on. One difficulty which we have to discuss here which comes up with the use of such terms; now we have to call it something, but sometimes terms take hold because they seem also to express what the thing feels like. So that, everyone of us knows that every Harvard student feels that he didn't have an identity crisis he would have no chances. And the other kind, the militant type, is the one who says he has not got one and by God he won't. In other words, what comes with the use of such terms by the people who are in the middle of the question--that's what I meant yesterday by saying that, good or bad, when you said they were impressed by this, does it give them a terminological hand which actually is no particular help in continuing the fight necessarily? We must discuss that.

GRAUBARD: I don't want to change gears too dramatically and yet I do. We raised yesterday a whole series of economic questions that seem to me did not really develop quite fully, mostly because the session was not long enough. I have asked Mr. Fein if he would say a few more words about the sorts of concerns that he has in this field.

FEIN: Before I do I want to mention an interesting aspect of the Civil Rights March, to me at least, in terms of identity. For some considerable time after the march, over a period of months, I had a few occasions to be in groups of Negroes, and the conversation was always quite interesting to me along the lines of where in the crowd were you on the day of the March? Much like the conversation that developped here last night about

where were you at the time of the assassination. For months this continued--where were you at the time of the March? So this was a very real symbol.

On the economic side, I want to tie in some of the remarks with some made yesterday. We talked a bit about trying to look at alternative courses of action, projections of what the future might be on the economic level, and I am reminded that the March on Washington was a march for Civil Rights and full employment. I take it that Randolph felt that both were very vital. This was in a sense surprising, because one might have expected the Civil Rights to be even more pre-eminent than the full employment part. I think that that title and some of the discussion yesterday and even some of the remarks today outside the realm of economics to me indicated a thread that had not been made fully explicit in our discussion, and which I think has to be made explicit. Is the Negro where he is today and where he is likely to be "x" years from now--is that a function of his being a Negro or alternatively is that a function of his being low income, poorly educated, or what have you--unskilled and so on. This keeps coming up. It comes up this morning when Talcott Parsons says that, well, low income whites use this kind of language also. It comes up in terms of employment opportunities. It comes up in terms of labor force projections, and so on. It is not, it seems to me, from the point of view of policy or from the point of view of projections a question that can remain implicit but unanswered. Clearly both things are important, but there may be proportions that change the picture considerably. Within the very small debate that has been going on among economists on this kind of thing, you can come out with rather different perspectives, so that some economists would argue that the big problem is education. Look at where the Negro is employed and what you have is a picture of a poorly educated person who simply cannot move up the occupational ladder. And yet, another group of economists would say looking at substantially the same data, that the biggest problem is not education--that is important--but the biggest problem is discrimination. Group A says education is where we have to put our emphasis; Group B says, let's take a look at the way FEPC laws work and if they do work--that really does require the prominent emphasis. I suggest that this makes, then, a rather substantial difference on policy and on pro-

jections within the limited area of employment with which I am somewhat more familiar; but obviously within a host of other areas where the question keeps coming up. I don't know how in a variety of fields one would address oneself to this. I think within employment, occupation, and things of this kind, the economists could get a handle on it. I think that it is a question that needs more attention and explicit discussion than, in fact, has been the case. I see this thread coming through, and it affects where you are going to head and the way you look at things. I'll react, but that's about all I will offer at this point.

HUGHES: Do you think the data for this economic study are in hand or do you think you will have to go out and get a good deal of new kinds of material?

FEIN: Let me put it this way. Economists using substantially the same data have come up with radically different answers. And it is possible that the data simply cannot be pushed any further. However, it is also a fact of life that economists, not very many, have addressed themselves to this problem and the few who have not addressed themselves to it in great depth or over any considerable period of time, considerable in this case being defined as more than a month, which leads me to at least the suspicion that while one might find that two months doesn't yield any more than one month, one might find something very different and it's worth the gamble.

BELL: I am a little puzzled as to why you make this an antithesis. Somebody can come along and say that the answer is both the problems. Each one re-enforces the other; I don't see really what you are getting at by confronting the problem in this particular way. Is it a matter of allocation of resources? I don't see really what follows except some theoretical niceties perhaps.

FEIN: Let me put it this way. You have Eli Ginzberg, for example, writing in the New Republic and saying discrimination, FEPC, and employment opportunities, is fifth on the list of important items. The first is education and I don't recall what the other intervening ones were. I think it makes a big difference; I think it makes this kind of difference. Aside from FEPC vs. education, aside even from how long you have to wait,--education is a long and continuing thing, it takes quite a while--it makes, I would suggest, this kind of

difference; If the answer were to be more heavily weighted in the direction of discrimination, it might have something to say about your point on preferential treatment that would not occur if the answer were education. If one is concerned about changing the image that children have of where they may go, their expectations, I should think it makes some difference whether, and clearly both are involved, but whether the heavy hand of discrimination is more important than the heavy burden of under-education. I should think that if one finds that with the same levels of education the Negro is pushed down on the occupational ladder quite a bit, this would tell us something about how whites. . . what the reaction might be among kids when we say, "Your problem is going to be solved if you just get that good education." Now I am out of my area, but I should think it makes a difference in terms of the image, the role, the expectations that the Negro child would have, and I think it makes an awful lot of difference in terms of policy; it certainly makes a difference in terms of your projections and your whole setting of the Negro within the poor, or the Negro qua Negro.

HUGHES: This would be a massive research problem if anyone can get the data to do it and see the relation between what you might call discrimination--unemployment of the parent and the dropping out of school on the part of the child. You can hook up this kind of economic variable with a social variable, and it would be very nice indeed. I am really asking whether you think that would be possible.

KAYSEN: Let me comment on just that point. I am not really active in this area, but I have a strong suspicion, and I've checked a little with Moynihan, that there is a fair amount of data that could be used for this purpose which has not been exploited. We have to remember that there is here a governmental apparatus well organized to do certain kinds of work with this data. It's not like the problem of producing new field work--like let us say interviewing, which may be a large-scale, long-time effort. The BLS and census are continuously running certain kinds of surveys, and the data are available every month. What can be injected into these surveys and made available relatively quickly. . . you know there is quite a broad range here, and since, of course, the whole governmental apparatus is extremely interested in these problems, I think we have a resource in

getting what might look like lots of new data relatively easily, and I think it's important to consider what we can do in that direction. And one of the things that occurs to me here that is very important, I would guess, as a possible source is that the labor department classifies every major labor market in terms of the degree of tightness of the market from "A" area to another. This is done monthly and it has been done over a long period of years. I think it is quite possible to look at pairs or sets of labor market areas which are not too dissimilar--lots of things have been happening in economic structure that make this possible--but have had dissimilar employment experiences, areas which have been "B" areas, that's high employment, and areas that have been "F" areas, that is, very high unemployment, over a period of time. I think getting into this and looking at some of the work force experience of Negroes, people with different skills and education, etc., which is a big job. The American Academy started to do it but it is a relatively small scale job in relation to what is already being done. The apparatus the way the market survey does it could within a short period of time generate some answers to some interesting questions, and this would appear to me to be quite fruitful in terms of some of the questions that Mr. Hughes raised.

MOYNIHAN: Let me just say, first, that there is nothing that the Bureau of Labor Statistics needs more than someone to suggest some decent questions to ask. I think the Federal Government has in effect facilities which are available to this table and if there are things to be done, we can do them, perhaps to a surprising degree. I just want to run through some of the points of the conversation.

First, to Tom Pettigrew, a warning on the question of the Negro American. And that is, for years in Democratic campaign headquarters in New York state, you had your nationalities committees; the original one was the Irish-American and as that long list grew longer somebody in the Irish-American committee decided that the words were in the wrong order. In 1957 they shifted it to the American-Irish Committee, and it's been making its way down the hall. I don't know whether they are progressing or not.

I think that if you want to view the Labor Department from a professional

point of view, it seems to us that in terms of Dr. Erikson's fundamental question of how a more inclusive identity can be found, that the Negro revolt is providing it, surviving the more inclusive identity of religion, and you cannot be in Washington and not know that the most important thing that has happened to Civil Rights is that the churches in America have joined it, and under the general category of being Christians, you can be Negro and White because of the fundamental fact of being Christian. And a contrary point, and yet not seemingly conflicting, is that you can also be a rebel; you can be a sort of Christian rebel, an odd combination and one that is enough of a future for anyone, enough of a past for anyone. Where were you on August 28th is a perfectly good question, and I was in the march and overheard one young man say to another, you know, in twenty years from now you'll be telling your kids that we were up in front leading this thing. And why not, that's how we got all the kings of Ireland. With that kind of psychological resource, people don't need many more, I mean in terms of the question, color.

I have been sitting in on the hearings on poverty the last couple of weeks in which Adam Clayton Powell is chairman, and the bill was introduced by Congressman Lamden. Now, as any American with the minimum social sense from having read Life magazine for four weeks can tell you, all you need is to walk into that room and look at Powell and look at Lamden and you know who is of the higher social class. Powell is--he's just back from Florida, whereas Lamden is pasty-faced and gnarled and obviously had been in a textile mill most of his life. Most Americans try to get tanned, and I think the color thing can be easily taken care of. I'm very serious about that. You know, Powell always looks like a very well-to-do man because he is always tanned. But that question of employment seems to us the biggest danger. I think all things are needed for the Negroes to maintain--they have the American music, which is a magnificent achievement they have created; they have their revolt behind them; they have their leadership. The biggest question is, will the Negro community itself get pulled apart by the problems of employment? It would seem to us to be absolutely devastating, and they are not Negro problems, they are American problems generally, but their differential effect on the Negroes is potentially disastrous. I mean, every day we look at the statistics and we just groan.

I don't want to fillibuster here, but the progress of the Negro in terms of comparisons with the wages and all moved very rapidly through the Second World War up to 1947, where they reached the point where they had 54% of the wages of the whites. In the last 15 years they moved 13% in 8 years. In the last 15 years they have moved 1%. They got up to 62% around 1955 and are back to 55% today. And the relation, the experience in employment is the same. In 1947 the Negro teenagers actually had a lower rate of unemployment than white teenagers. They had a rate of about 7% and the whites had about 8%. Now in the last 15 years their 7% has grown to 28%, and the whites' 8% has grown to 14%. They are now double the white and quadruple what they were. Last year we added 30 billion dollars of GNP in the country, without adding a single additional job for teenagers. Every additional teenager that entered the work force produced an additional unemployed youth in our statistics, and we see this thing in the question of Negro illegitimacy. I think we would very much like to know how good the statistics are--are we simply getting better statistics or is, in fact, something changing, because the illegitimacy rate continues to rise.

Last year almost a quarter of the Negro children born in America were illegitimate. Now, in contrast to the kids who were in that August 28 march whose lives, it seems to me, are rather settled --they are going to have good lives-- the 25% of the kids born illegitimate, I think very likely a large proportion of them are doomed, and that particular population, for example, is turning over at such a rate that it can overwhelm the people that were in that march. We find something like 40% of the children born in Chicago, Negro children last year, if our understanding is correct, were illegitimate, and that the rate is getting higher. Ten years ago in Chicago there were 55,000 people on Aid to Dependent Children. Last year there were 185,000 and the welfare directors in Chicago say to you that it is the closing of the packing mills, packing plants, that have just thrown people out of work and wrecked the Negro family, just not getting along because of the lack of the male who can come home and be the head of the family. And all these devices of trying to keep the male around by saying, you no longer have to leave in order to get ADC payments, they leave anyway. They spend just so much time in the kitchen and then they get up and go. And that's why it seems to us that obtaining the projections

on employment is fundamental, and I don't know that there is any problem on data, because what's involved is social policy and not impersonal projections. I think that Carl Kaysen could give you three alternative models; one to solve your problem and the other to make it worse, and the middle one would leave you in between; in effect, which would you choose, not which can you predict.

PETTIGREW: I remember a Negro comedian, Nipsy Russell, who on television once made the big point that he was pleased that white people all over the U. S. were using Man-Tan, and he wanted the whites to know that Negroes were using skin lighteners just as hard. He said, "We're trying to meet you half way."

To respond to Dan Bell's question about the distinction Dr. Fein is drawing, which is an arbitrary distinction of the two since they are so highly related, it is worthwhile for us to think in these terms briefly because yesterday there was a tendency for all of us, I think, or for many of us, to be using ethnic group comparisons--the Negro being the latest group to arrive in mass numbers in northern cities, and so forth, and feeling, at least on the part of some, that his rate of progress would be something like the rate of progress of previous ethnic groups. I think this is dangerous. I believe Dr. Fein was responding to that in part by this distinction, and in fact there are many things here that are unique to the Negro. There is a stigma attached to being a Negro in American society, which was, I think, the basis of what we started off with this morning, and admittedly the data on this point are not good and we could use a great deal more, hopefully with Federal resources. But there are some; the study I have in mind was mainly done by the Taeubers, not the census Taeuber but their son and daughter-in-law, in Chicago, 1961, and they are able to demonstrate fairly straightforwardly, on both economic terms and housing and residence patterns, that Puerto Ricans in Chicago, with language against them, with culture against them, and often as dark or darker than the American Negro, nevertheless, from 50 to 60 percent actually had a rate, a group rate of mobility faster than Negro Americans have had since 1920 to 1960. There is something special, then, involved with the Negro that not even the Puerto Ricans have with all these other disadvantages in terms

of striving.

FEIN: Americans with Spanish surnames in Texas have an average income 31% higher than the Negro. The interesting fact is that at the same time they have an educational level on the average 3 years less than the Negro.

PARSONS: If I may just follow that point one step further, it seems to me that the aspects of the status system, particularly the level of employment, not merely the employment-unemployment line, but the level of jobs accessible through educational qualifications and so on, is so terribly important because it is the primary source of labor, or certainly a primary one. I think every bit as important as legislation, for a general upgrading process and for a closeness which can begin to break down this global stereotyping that centers in the negative identity, but they must be independently variable. If there is no independent variability, it is hopeless.

FEIN: Within the area of employment there is one sub-group that I don't think we are, in terms of projections, able to say very much about, but which I think has a good deal of interest, as I would hope, to some of the sociologists. Namely, the question of self-employment. The whole question of entrepreneurship, and I don't mean self-employment of the fellow who comes around to rake your leaves. I mean Negro stores on F Street in Washington, stores owned by Negroes. This is an outlet that other groups have had. The Negro apparently doesn't. Certainly not in the same proportions, and I think the whole question of entrepreneurship, of self-employment, is an interesting one. There is probably a story there that says something to us.

HUGHES: Well, I think there would be an interesting story. I was brought up in southern Ohio and never had my hair cut by a white man until I was about through college, and there were all sorts of little restaurants, and the unions chased them out. They chased them out of the entrepreneur group, they chased them out of the restaurants throughout, and even as far north as Chicago.

MOYNIHAN: How did they get hold of local crime? I mean, Adam Powell spends his career trying to get the Negroes to take over the policy game in Harlem. He can't, because the Jews and the Italians won't let him, and the police force doesn't run it anymore and they can't help.

GEERTZ: The time when Black Metropolis was written, the Negro policy racket was a Negro policy racket and now it's not.

HANDLIN: There are important differences there. For instance, between the Negroes and Puerto Ricans, differences within the Negro group itself. For instance, in New York a striking difference between the West Indian Negroes and the indigenous Negroes, so I think there are cultural factors involved in this.

FEIN: I think there is another interesting area, continuing this free association for another moment. At various decision levels, how much riskier are certain decisions for the Negro as opposed to other groups? Let me give a specific example. You're middle income, upper middle, maybe, and you're fairly bright and you're deciding what curriculum to take in high school;namely, the general course or the college preparatory course. And you.decide on the college preparatory course, because if you don't get a scholarship, your parents can still finance your way into college. You're Negro and/or very low income and you're fairly bright. Can you afford to make the decision to go into the college preparatory course? If you don't get a scholarship and the odds are against you because you're only fairly bright, your parents will not be able to finance it. So that the decision as to where to go in high school is pushed much further back because the risk element is much greater, the decision, therefore, more important; you stand to lose more by picking the college preparatory course because if you don't get into college, you didn't even get the vocational course. Whereas the middle income person doesn't stand to lose as much. If a scholarship doesn't appear, his parents can take care of it. I think there are a variety of decisions that all of us make that are made earlier by some groups because they are riskier, and I think it is an interesting kind of thing because it determines directions, and in a very rational way, determines them for members of that group, much as we might like to see them play with the decision, postpone the decision, act like us. They can't afford to. I can't think offhand of other levels of the decision process at this time, but I think that if one starts playing with projections, one must be aware of this kind of classification scheme that calls for decisions.

PARSONS: Well, we know in this area, at any rate in public high schools, that the proportion who do not take the college preparatory course from the beginning of senior high who ever go to college is very small.

FEIN: We also sometimes act as if the people who are not taking the college preparatory course have made a mistake, and I am suggesting that within their framework, they have acted as they should. This is just something about the framework and about changing it.

HANDLIN: They may not be well informed about the actual odds. I am sure that a Negro in a metropolitan city has less prospect of carrying through with the same social sense and he may not know what the odds are.

MAYER: One of the things that struck my children most at the school boycott in Boston the other day in associating all day with Negro children from Roxbury is how extraordinarily uninformed they were about possibilities in terms of going to college, and the very fact that there were scholarships; they came out with the idea that counseling was atrocious. This is quoting two children, but it was their dominant impression of the day. I think the decision is not felt by our present system, at least in Boston.

HUGHES: I think we're going away a bit here from the economic consideration to the aspiration, a repetition of what we were talking about yesterday. What view, how aware of, and the resource of education and so on, that various kinds of people have and if you build actual labor force data, employment data, and then move over toward the low aspiration notion and when are decisions made and with what effect, and with what perspective and view of the world, we may be getting somewhere, I think.

GRAUBARD: I don't want to cut this short, but toward the end of yesterday, Paul Freund was beginning to make some remarks that I very much wish him to expand on and I have asked him to speak in the way that Mr. Erikson and Mr. Fein have this morning.

HUGHES: May I make a remark to him? I heard on the radio this morning that a judge in Cleveland has given a permanent injunction against demonstrations at certain schools that he cites.

FREUND: Well, all I can do is try to organize very briefly the thoughts that seem to emerge in connection with what a forcibly legal or constitutional analysis might produce. It has been

suggested that although there is a good deal in the legal literature about the constitutional development and protection of the Negro and other minority rights, it might be useful to have this made more generally available. But, if so, I think it would be well to focus on the emerging legal constitutional problems, given the basic trends accommodated in these decisions of the last decade.

As I see it, there are two main problems which are related, but which are separable for purposes of analysis. The first has to do with the meaning of the guarantee of equal protection of the laws. The concept that the constitution is color blind was adequate and relevant where the effort was simply to overcome discriminations created by law. The emerging problems are those of forced integration, of racial preferences of one kind or another, of racial subsidies, and quotas. Sometimes the quotas are called benign quotas because they give a preference to Negroes in housing, but these are generally accompanied by a so-called tipping point beyond which no additional Negroes will be admitted, in order to save the property values, at a point which is thought to be the maximum toleration of that mixture. These are very practical issues that are now being litigated in the lower federal courts and which presumably will reach the Supreme Court before too long, and on which, I think, it would be a very practical help to have some more analytical and philosophical discussion. What is the proper meaning of equality? Is it color blindness or will it admit preferences of one kind or another ? Can you distinguish preferences, as Mr. Talcott Parsons suggested, which are by way of subsidy to raise the level of opportunity to equality, from racial quotas; and as was said yesterday, the idea of classification by ethnic groups as distinguished from functional groups like employees or investors or husbands, the idea of classification by ethnic groups is in principle repugnant. The Japanese evacuation is an instance that comes to mind. Should the law, however, make a special adaptation here, and if so, on what grounds that will permit it to be a principle, a decision that will not carry regrettable consequences for the body of the law.

Now the second related question, but separable, I think, has to do with the subjection of Negroes to the ordinary rule of law. It's here that the Cleveland situation, to which reference was just made, would fall. The sit-ins have raised the question and

other forms of non-violent protest are, as Ed Levi said yesterday, running an apparent collision course with the main stream of the law. The question is whether this kind of non-violent protest, which is in many instances illegal under positive law, ought to be accommodated within the law or whether it ought to be treated as civil disobedience and its value frankly rested on the moral claim and the moral effect, which civil obedience is entitled to. I mentioned yesterday that the moral claim is strengthened where access to participation has been denied, where there is not adequate representation, either polically or economically, and the law, either the law on the books or the law as it is actually put into practice, doesn't guarantee equality of access. The moral claim is very strong. The question is whether the law should recognize the disobedience as a right or should still regard it only as a form of moral protest, perhaps tempering the punishment while saving the ordinary structure of the law. Well, these are the two main areas of current philosophical, legal discussion. They present dilemmas, they present challenges to the notion of what Herbert Webster calls "neutral principle" of law, and they raise interesting questions of the scope of civil disobedience and its relation to the sanctions of the law.

GEERTZ: I simply want to question on the comment, ask for an extension of your comments. To what degree is it possible to prevent some of these things from rising to the level of law, to make--we were talking about sit- ins--I don't know if there ever was a final decision on certain items of this crisis point, but how far is it possible to keep the courts from having to make a decision about the legality of quotas and civil disobedience, and handling these things by other social control mechanisims than the law, so that we can avoid facing some of the problems in a legal context and face them in not illegal but extralegal context, that is, general context of social control existing beyond and beside the law.

FREUND: Well, the one defect of the law's virtues is that the courts are always open, and you don't have to have a lobby, and there is no Rules Committee in the courts to bottle things up, so that it is rather uncontrolled. Now the judges themselves have a certain control because of the techniques that they have for temporizing, and these have been used with great ingenuity in the sit-in cases thus far, as you know. The court has avoided a straight out decision on the legality of the sit-ins by finding technical lesser grounds on

which to uphold the rights of Negroes. In some cases, they were charged with breach of the peace rather than trespass. The Supreme Court said that they couldn't have possibly committed a breach of peace. In other cases, although there was no law on the books that forced segregation, the chief of police has made it clear that that was the policy locally and so the court said well, while in form it's private, it's really publically, governmentally supported. It was a considerable strain, but it allowed the case to be decided on that special ground. Now the case is up this term. It has been held all year. I would frankly hope that the courts could temporize still further, but I am not sure. I'm not sure they can honestly or want to do so. I think they could.

GEERTZ: One of the things that the question suggests is that some of these things that were quoted and so on might be buffered by a new commission, a racial commission, to deal with these problems and so on, to which the law could give standing without giving standing to the principles, that they should support certain modes of dealing with the problems without having to come directly to terms with the. . . is this feasible, possible?

FREUND: Well, to the extent that your statutory law recognizes some of these claims then the heat is off on the bare constitutional writings. I mean, that is why I think the courts would do well to temporize again, because we've got the bill pending in Congress and if we get a public accomodations law, it's an awful lot better, I think, from every point of view than to have the matter come up in the form of an out and out constitutional claim of rights to be served in the restaurants. Better from many points of view--it is more complete, for one thing, there are sanctions for riding, referring to busses, and so on; and furthermore, legislation can be progressive and attemptive and experimental and pragmatic. Constitutional decisions are sporatic and fixed, or if they are not fixed, then they rather downgrade the notion of the constitution, so that I would hope that you could resolve some of these problems short of a constitutional level by statutory rights which may in some instances reinforce the commissions to mediation.

BELL: Your formulation points up an interesting contradiction in terms of the Negro aspirations and claims. In terms of public accomodations on the one hand, they want a situation which doesn't recognize status categories, in fact strikes them down by saying you can't refuse to serve on the basis of a man's color; yet, in the demand for certain preferences, demand is made for help on the basis of the category, so that at the same time they find themselves in

a kind of bind so far as what the Negroes ask for.

MAYER: Isn't the problem really one that ideally one would like to have preferences, but not to have them legally recognized? Now, Harvard University abides by the laws of the Commonwealth in not asking for photographs of candidates, being careful not to have any information on religion, national origin, and so on. At the same time, it has a policy of geographic distribution, which means that it is easier to get into Harvard, ability being equal, if you come from Mississippi or a small high school in the west than if you come from a big prep school. Is it not, is there not here an example of what perhaps ought to be done in a preferential treatment which is not publicized as preferential treatment?

FREUND: Well, I think so. As Ed Levi said yesterday, much of this could be done without raising the issue, and this may answer you also, without raising the issue. To start with, that is to say, if you give preferential treatment to lower income groups, you are going t o help the Negroes, or to give preferential treatment to substandard schools, you're going to help the Negro. I think much can be done this way without running head-on into legal principles of individual rather than class qualities.

MERTON: Is it a case that the very concept of preferential treatment, subsidy, is exclusively devoted to the poor? You have the question whether the Negro qua Negro is not being subjected to discriminatory treatment at higher levels in the income structure and the educational structure. We are all aware of the most conspicuous example of that--the Negro college graduate who has been trained in a college where at best he's not apt to be up to the standards required in a graduate school, or if you move down the line a bit, the Negro high school graduate seeking entrance into a first-rate college, and there whether you see lots of Negroes or not, is the need for some sort of interim arrangement to upgrade his competency. On the matter of scale, I suppose there is no question but that what we have been discussing is heavily concentrated in the low income groups among the poor, but I think one of the sources of resistance among Negro leaders I have talked with is the unwillingness to have the identification of the Negro and the poor and to have policies that are centered simply on that sector of the whole hierarchy, that their frequent analogy with the veterans being given preferential treatment is not an analogy with the poor and with

public relief, but rather with providing what is needed at every level of the social structure where it is felt that historically and persistently discrimination has occurred and is occurring, and therefore making for unequal aspects. I think going back to Pat's remark yesterday when he first introduced this issue, that if that subject is one of the central themes of the proposed inquiry it might be useful to examine it not only in the most conspicuous case of the poor and the Negro and the correlation between the two, but to see what special problems are involved as you move up the social and economic level.

FEIN: This is particularly important in the light of the fact that half of the Negroes are not poor.

HANDLIN: Here is where the problem really becomes stickiest, because much is being done informally and without the degree of public attention that would reveal a violation of, in some cases, the law. For instance, in college admissions, in the Ivy League colleges, there is actually a recruiting effort to get Negroes in, which does take cognizance of race and does set up differential and preferential standards, and that gets by because it's largely ineffective. The number who are recruited is so small that it doesn't make too much difference. I'm told, for instance, in government employment in Washington that there are differential standards for performance that do give preference to Negroes, and I know of specific cases in which the whole hiring apparatus was set up in such a way as to insure a representation of the Negro. But these measures are largely tolerable because they haven't really affected the more advantageous position of the whites. The problem would arise at the point at which they became effective and did make a difference. At a college, if having a different set of standards for the Negro would actually result in the exclusion of large numbers of whites, there would have to be some kind of justification for it. This issue is arising in New York City in the City colleges, where there are already large numbers of white students who have more than the minimum scores required, but who don't get admitted, and where there is at the same time an effort to lower those scores for the Negro students. Now, on what basis, to speak abstractly, do you go to a white parent and tell him your son ought not to go to college because there are places needed for the son of a disadvantaged Negro? This is a very difficult kind of proposition to frame, because our whole thinking until now has always

been on the reverse basis, that the justification for equality of opportunity is that you can discover an objective set of criteria which would be universally applicable and that if you eliminate discrimination on the grounds of race, creed, and previous condition and so on, you can then apply the objective criteria and select the most talented. But if you depart from that, you open up a series of questions which I don't think anyone has really answered.

MERTON: I think you're coming back to the point which turned up repeatedly yesterday, and I rather suspect the transcript will show that this is bound to be one of the main themes in the book, whatever the particular topics under review, and it's the inadvertent consequences of our social system with their differential impacts on different parts of the population. That is, to distinguish between out and out discrimination, and inequality of access to opportunity. Tom Pettigrew just reminded me that in addition to the analogy with the GI Bill that is frequently drawn by Negro leaders today as a precedent for special treatment of selected groups in the population, another favorite analogy is the Marshall Plan and the notion of a domestic Marshall Plan. If one looks at the Marshall Plan, it is preferential treatment, a special subsidy provided to groups that for historical reasons have an acute need of such support. But it seems to me as we discuss these questions here, off the cuff, that we are building a rather strong case for an analysis of this manner of subsidy, preferential treatment, or whatever the appropriate terminology turns out to be, which is pretty much comparable to Professor Freund's treatment of the constitutional and legal questions. That is to say, where it is not a matter of research that is being called for here, but an effort to clarify the moral, political, and other implications of this central issue, and the more the so-to-say pros and cons and the implications of any such family of programs are worked out in publication by the Academy, the more it is apt to be making a distinctive contribution to this general question and, in the end, it does raise a policy question for the publication as to whether some parts of it, under publication, might not best be of this analytical character rather than of a research character. Indeed, it might turn out, when Steve gets around to getting a consensus on the nature of the proposed program, that there might be two correlated types of publications, perhaps occurring at different times; the one essentially being analytical, theoretical, attempting to codify and to analyze some of the pressing issues,

the others being based primarily on relatively new research, as well as on the research of the existing literature.

KAYSEN: Oscar has reverted again to a point he raised yesterday and certainly a very important point. I should like to observe the context in which this choice of the equality of opportunity versus positive discrimination with its implication of a corresponding negative discrimination complementary to it arises. This is all-important; questions of context, growth, the scale of the activity. Let's look at the two examples that Oscar reminded us of. The Ivy League is running a recruiting campaign. The number of Negroes in Ivy League colleges is quite small, but a substantial increase in this number would hardly give any particular individual applicant who didn't get in, any particular family, the sense that "I was displaced to make place for a Negro." Look at the situation in City College, by contrast, where it is large enough so that apparently some particular applicants are beginning to have or have already got that sense. And I would think that the most important general proposition one could make is that it is almost impossible, because it's socially intolerable to those on the other side of the equation, to engage in positive discrimination, if you like, in a static context, where it means taking away from someone to give to someone else.

On the other hand, I think it is very easy--at least American economic history anyhow is simply filled with examples of the acceptability of devices which allocate the benefits of growth differential--perhaps to look at the problem in terms of what can be done to make a little extra share of the growth, whether it is growth in income or growth in college places in total, or whatever dimension or activity we are particularly looking at, and see what can be done to provide that a little bit of extra share in the growth go to the disadvantaged group. It seems to me that this takes the edge off the conflict, and posing the issues as conflicts of principal, I don't want to repeat what I said in an apparently philistine way yesterday but posing the issue as conflicts of principle, useful as it is for analytic and reflective purposes, I think often fatal for policy purposes also, and I think we ought, at least to keep this in mind, and to keep in mind the way in which a dynamic makes a softer resolution of the conflict possible. If you take suburbs and suburban housing,

I think there is all the difference in the world between trying to operate on the existing structure, and trying to ask yourself how you can deal marginally with the new suburban developments. We ought to remind ourselves that the total dimension of what we are talking about is such (I mean the total size of the Negro group in the population) that being able to deal marginally in aggregated terms really means being able to take a big and rapid bite at the problem from the measure of the size of the Negro group. And so I don't deny the conflicts of principle, the real conflicts of principle that Oscar is raising. I think that they are here. I agree that they are philosophically important, but I would emphasize that viewed in a proper context of action, it isn't necessary really to resolve the conflict of principle to know what it is that can usefully be different.

GRAUBARD: I think that these last two remarks almost set the stage for the last concerns you really do have to have here; namely, that they seem to me to set very bluntly the question whether if we were to have one volume, would it essentially be a descriptive volume asking mostly for new research on things that we think we need to know and don't presently know? Would it be, on the contrary, such questions as might guide us to policy that needs to be formulated on the Negro question? How much do we want to concern ourselves with a situation that is likely to develop if certain actions are taken or certain things are not done? In this connection, I think constantly of the number of times we have spoken of the possible effect of things that are presently happening and how much this is going to change communities other than the Negro communities. The question really, and it becomes almost a question of how large an inquiry do we make and with what purpose, do we want, in the fashion that Paul Freund suggested, to give some guidance to those who are going to have to make decisions in the next two or three years about some of these things and, therefore, do we orient our volume to meet the needs of that group, or do we, on the contrary, try to point out that there has been little done so far in monographic work, and that this is a lack which really ought, in some part, by the American Academy, to be righted. Or, do we, more particularly, deal really with the large aspects of the society; what sort of American community have we become; what are the resistances? All the points that Mr. Parsons

spoke of at the beginning. What are the resistances to the Negro lifting himself; what are the institutional resistances? How much is this a matter of changing certain social structures; how much is it a matter of changing certain ideals? Is this to be our principal concern? And in this connection, one asks immediately, well, what is the urgency with which we work? Should we really aim for some volume, our choice depends obviously on what the volume is, but should we aim for a volume that might be appearing in 1965 or 1966, or, on the contrary, is it a different sort of study that we ought to contemplate? And then, the possibility, of course, which Bob Merton alluded to, maybe really there are two very different things that have been brought up and I do think that the real appreciation of this transcript will only come when it is recorded, and we can see how the various parts have not, in fact, been connected. But, is it possible that we have, in our several comments, been talking about two quite different things that both need doing, but that we ought not to confuse ourselves by putting both in the same place?

Well, what I would like, and I had intended to have a coffee break but it never seemed the time, what I would really like to do if we can, and I think there is some advantage in breaking now, is to get some consensus on what you regard as the most serious matter that might be tackled first were we to do a single volume. That is, what would ideally such a volume cover in terms of themes, what would its purposes be, and maybe, although this is always a dangerous thing to get started on, we might even think of the sorts of persons that we could enlist in our enterprise. I say its dangerous because I think coming up with names around the table is not always the most effective way of doing it. It is much better to do this through correspondence and through talk once we have decided certain things. But I am persuaded of one thing, that this day of talk, yesterday and today, has really suggested precisely what I think all of us instinctively felt when we brought the group together, that this is a sort of theme in which we have got to broaden the number of people who are going to give some time to this study. For all sorts of reasons, the field of race relations in the 1930's was dominated by people coming from certain professional fields. In this connection I have often thought how interesting it would be to study arms control studies as they existed

in society in the 1920's and 1950's and '60's. One of the greatest differences, and I don't think it has to do simply with arms technology, has been the extraordinary expansion of the group of people who felt that without losing their own professional affiliation, without ceasing to be one whit less an economist or a political scientist or a psychologist--that suddenly this problem had an importance for them that could make it possible for them to come and sit around this table as they did, and produce the sort of volume that we produced; and I feel that a comparable obligation rests on us this time, and I think if we can, out of the structure of the talk we have already had, produce a plan for a volume that will commend itself, we in fact will be bringing new people into it. I can think of very few things that could be more beneficial in this field and very few things that would really serve the intellectual purposes that we are interested in now. But I do think that there are these really basic questions which still do have to be decided, and I hope that we can spend whatever time this afternoon we can afford in just getting some idea of how all of you feel about the alternatives that exist for us.

HUGHES: I wouldn't want to take the prerogative of the last word, but something was just in my mind that I've thought of since we have been here, and we haven't talked about. And that is the history and problems of the study of race relations, etc. You mentioned who doesn't. Well, Negroes used to have to study. That was the subtlest form of discrimination there was. The Negro had to study race relations if he wanted to be in the social science field. He doesn't have to now, but then there is the whole story of getting money for race relations. The attitude of the foundations toward it, when they will and when they won't, and some of us--there are people who have had what they consider rather bitter experiences on this and the question is--and I think this wouldn't be a bad thing for us to look into--the whole history of the willingness of those who support research of this and other controversial questions.

MAYER: May I point out that I hope at least in many fields we won't make a dichotomized publication between ideas and philosophies on the one hand and facts on the other. I am impressed with the fact that probably the most influential volume written in Britain in the

30's in terms of social policy was a book by John Boyd Orr, which was called Food, Health and Income, where all he did really was to demonstrate that there was a strong correlation not just between mortality and income in the British Isles and mobility and income but even between size and income, and the poor Englishmen were much smaller than rich Englishmen. Well, this fact alone, which was very well documented, really became probably the most important motive force in the tremendous nutrition programs that both the conservative government and the labor government pursued, and to a large extent it was at the root of the national health policy. Now, there are differences which society will not tolerate once they are brought to light. We have talked about college education, which is a touchy and difficult subject, but I have the feeling that, for instance, as far as health is concerned, the fact that (I hope Dr. Schmidt will talk about this this afternoon if there is time), the big differences between mobility, between Negroes and whites, if it was really brought to light, would by itself bring social action without too much discussion as to whether it is a good thing or a bad thing to discriminate in favor of a group which I think all of American society, even arch-segregationists, would think is an undesirable problem to have in our midst.

SCHMIDT: Well, just very briefly, because I don't have a prepared review of what I think is a rather well-documented situation, and I think it is fairly familiar to most of the people here, but I thought it would be interesting to comment simply on a single study of prenatal mortality, that is, prenatal death and neo-natal death by ethnic groups in New York City, which Sam Shapiro published a few years ago. What he has done is to show, among other things, not only that the non-white death rates of babies, shortly before and after birth, are higher than for the white race, but that even when the economic situation is over-come and members of the health insurance plan of New York are prepared, that the non-white rates are still higher than the white rates among the fully insured individuals. In other words, it seems to me that we have two steps in improving the situation. One is as soon as individuals are fully insured in a group plan their rates become lower, but if they are Negroes, their rates are still not as low as the rates of the whites. I don't think that the explanation for this is fully available, but there are a number of aspects that come to mind immediately. One is the long past history of the individual, which can't be overcome just

by making services available to him now, and the need to think of this in terms of the next generation coming along, to prepare, through protection of health, better nutrition and all of the environmental and personal circumstances, a more able child-bearing population. Well, another comparison in this is on the occupation level; and the professional, managerial groups among the Negroes still have higher rates than those among the white. I think that this is out of my field, and I suppose this classification based on father's occupation is a pretty poor one and can be very mixed, but I think that is the kind of thing that is worth further observation and further study. Utilization is another aspect of the same problem. In Alameda County, California, a study was made of Papanickoloff smears in relation to cervical cancer. Cervical cancer is much commoner among the Negroes than among the whites. Papanickoloff smears are secured in 9 out of 10 cases on the doctor's recommendation and not on the patient's initiative, and yet the number of Negroes securing these smears, again the non-insured colored people were much fewer than among the whites. Now is this because the doctors didn't recommend it to the Negroes; is it because the Negroes refused to accept it? I don't think we know, but I think these are things that we should look at.

Session IV

GRAUBARD: I want to say that it would help enormously if having had these several sessions, now we could somehow conclude with a set of, perhaps, injunctions, or a set of recommendations about what might be avoided and what most particularly should be attempted. As I tried to put it this morning, it is a question really of what needs doing first, because there is no reason to believe that we cannot do several things in this field, but what needs doing first and what order of priority are we going to give and what time table are we going to use. Given the sorts of things we have talked about in these last two days, are there some things which, if published within a year or two, might make a sufficient difference so that there is an obligation upon us to move rapidly. And this is really what I would be very grateful for your thoughts on.

PARSONS: Mr. Chairman, I personally would feel an extremely strong case for moving rapidly because of the situation which you outlined yesterday in your opening remarks, and reinforced by others that there has been no comprehensive statement in this problem area since Myrdal by anyone. And it has become such a salient national issue in so many different ways that I think a tremendous service is to be gained by bringing together and emphasizing its many facets and its tremendous intensity and in a way that, on the one hand, mobilizes what scholarly resources are available, but on the other hand reaches a broader public than other studies. But I would suggest the advisability of not much more than a year's deadline; that is my personal feeling.

GRAUBARD: Well, what would that involve in terms of the things that we couldn't do? That is, are there certain sorts of monographic or research efforts that couldn't be made if we were going to aim for publication in a year? Does that matter really? Is it of great importance that that type of work go on first? I have the feeling that once we get to the transcript and see all the suggestions that have been made, suggestions for so many things that could be done without extensive private research that we could get a very important volume together in something like a year or two. I wonder, Tom, how do you feel about it?

PETTIGREW: I would agree with Talcott's point about the timing. Two problems: one, information is definitely needed, not only of a factual nature, emphasized by some, but also some of the philosophical, moral aspects. I don't see these as really separate; in fact, I don't see how you can really have one without the other to some extent. And another thing, if you plan a 3 or 4 year project, I think things will change so fast that four years from now what you did this year might be outdated by the time you go to press, so that's another argument for having a relatively short deadline and using material that is readily available rather than trying to do fundamental research within the Academy itself.

GRAUBARD: Would that be the general feeling around the table? All right, then let me, if I may, move to the other matter and that is: given the sorts of things that were opened as possibilities, are there some, for example, the point you made yesterday, Mr. Geertz, about the family structure of the Negro in America. Now this is the sort of thing that could on one level be an effort that quite clearly would take many years. On the other

hand, it really touches all the other moral, philosophical questions that we treated. Now, how could we introduce that theme into our study so that it did have a place and yet was not simply impressionistic?

GEERTZ: I don't know the literature very well, but I think there is a good deal of material on the Negro family literature and there are people who are working in this area, and I would have to stop to think about names--Pettigrew would know some others. There are people who are concerned about this problem, and there has been more and more turning to the study of kinship in urban society. There have been a lot of rather useful studies of what happens to the family, especially of those people who are urbanizing, and in somewhat similar situations in the Caribbean and in Africa and so on. I think finding the right person to write the article, which is going to be the variable in all these things is important. There is enough material both on the Negro family in American and comparative material to make a fairly good summary statement. There is more analytic material about the nature of materialism and organized discussion about it, so that something really could be synthesized out of what there is which would give us an image at least of what the sort of problems would be that are critical. This, I think, would be something that doesn't exist, I mean, hasn't been ordered in these terms. Now who should do it, that's another question.

PETTIGREW: Can I add a footnote to that, bringing in the father-absence psychological factors which tie directly into it?

MOYNIHAN: The question of employment in this whole context seems to me very fundamental to public policy.

SCHMIDT: With emphasis, I would take it, on the public policy aspect rather than on the minutiae of speculations on opportunities that Mayer raised for the next twenty years.

PARSONS: There is a complex of empirical subject matter, family, kinship, employment situations, psychological considerations, and somebody could take the empirical material of a whole complex and draw certain conclusions for a policy, not from any one of these but from the combination.

ERIKSON: Could I try to formulate something here which I don't understand myself? Now, you referred to Myrdal. That's one man who collected a number of data and then indicated

something with his personal ability to indicate it, writing one book.

HUGHES: Excuse me, there were a number of books. It wasn't his only one--there were books on the Negro and the labor force, consumption, a great many books. People only speak of that one book.

ERIKSON: Now, you mean at that period, but he was the integrator. So the question is now, if you bring out an issue of a book, how would it be integrated, because otherwise you get one piece on the economic aspects, one on the political, one on the legal and one on the psychological. Well, it's obvious this has been around. Certainly I, for example, haven't been asked and I haven't said I would, but if I were to try to write something on identity, I certainly couldn't take it out of the other contexts that you have expressed. So the question is whether this could be more of a symposium in this sense than most volumes of this kind. Ideally, everybody should have time enough to read everybody else's and to react to them early enough to put in his own paper references to the others. I don't know exactly how one would do this, but---why do you smile?

GEERTZ: I was thinking that, if you want to do this in a year, you will have to figure out some way to inhibit the social scientist's natural desire to be absolutely impregnable, and therefore to realize that it is not necessary for these to be definitive papers and he doesn't have to have read everything that has ever been written on the Negro family to write a paper on the Negro family. Not that this work should be shoddy, but just that it is fundamental.

HUGHES: I think there may be a formula for that. Suppose we're thinking of the labor force, and suppose somebody, one of those tough economists down there, would be pointing out the basic changes in the labor force as well as what is known about the Negro and the labor force, but you would be indicating it within the framework of what happened to the labor force in general, and then they could outline some things that we jolly well better be finding out. It seems to me that all these papers raise the problem of identity, illustrate some things that are known, but here are things that we had better understand, what goes on in the mind of a Negro, about whether he wants to have. . . I think of a story of a

man going from Chicago down to Georgia on a train, and there is a southern man there saying how the Negroes don't want to go to school with whites, and he called the waiter and said, "Now look, George, you don't want your son to go to school with my son," and he said, "Boss, I sure don't." To point out the basic problem, the sources of possible ambivalence, some data, these are the things we ought to get busy finding out. For not only have we not got a general survey of race relations, but we haven't got any prospectus, which could combine ideas, frames of reference, what facts we haven't had yet.

GRAUBARD: Yes, I almost feel the second is the primary object. That is, if we could simply indicate the sorts of things that we don't know and need to know if we are going to be able to operate in certain atmospheres. That is, I do think you brought this up yesterday, Dan, there really was implicit in the Myrdal volume the notion that all was working itself out. It would be a matter of time. One of the things that constantly recurred yesterday is how, in the process of not working itself out over the last years, you create new problems in the society generally, and if this could be stated in various ways.

FEIN: A cautionary note--I don't want to sound like Carl yesterday, a cautionary note on tone, but I am just awfully worried about tone here. What does this sound like? We can't do certain things till we get some more research; we just want to be careful not to make it sound too much like a prospectus for research, with action waiting upon the results. Just tone.

MAYER: Isn't there a question also which we haven't really talked about too much--the national versus local and regional aspects? I am sure that social scientists consider the situation as extraordinarily different in New York City from what it is in a small town in Mississippi, and there is the balance between the new and general problems and the older ones to think about. It seems to me that one of the major things that has happened since Myrdal is that the Negro has become urbanized to such an extent that if things go on the way they do, the big cities of America will be largely Negro cities. We haven't talked at all about the impact of urban renewal and all its implications, but it seems to me that we should put a particular emphasis on the problem of urban situations, because this is what's particularly new and what's perhaps particularly important at the moment.

FREUND: Just a practical suggestion to avoid the dilemma of having everyone write after having seen everybody else's paper. It might be a good idea if each contributor had at least the names and titles of the others, and if he felt it desirable to be in touch with certain other people, to find out, at any rate, the course of their thinking or perhaps their basic statistical or empirical data, because I thoroughly agree that it's especially important in this sort of thing, where policy considerations are urgent, that the articles which are oriented in that direction have the benefit of the best empirical data that the others are going to present.

GRAUBARD: I think this could be quite easily accomplished. That is, if the transcript, as I think it will, can suggest a scheme, and if on that basis we can work out a division of labor and achieve a coherence between, let us say, 12 or 15 topics or themes, we could then invite the people and each invitee would know who else was being asked and to do what. In fact, as with all our efforts, we usually begin every letter asking a person to write by giving a fairly complete description of what the whole project is to be, and then very specifically of what his place in the project is, and I think that this suggestion that we also include the names of the others would be very helpful.

Incidentally, it might interest you to know, in connection with the Arms Control volume, that I found among the mail yesterday a letter from Ormsby Gore about the arms control volume and what it did and then talking about the New Europe volume, and I was struck that he talks about this as the thing-- What I would like to see is if we make a short enough deadline where there would be some incentive for an author to do his paper quickly and then to distribute it to the others so that he could have the benefit of their comments, and then we could come together in another conference of this sort. As with all such conferences, this is the planning committee. The conference hopefully would be a larger group. That is, ourselves, hopefully several of the authors will be from among us, but there will be others, and then a group of people who are not either authors or members of the planning committee, but who are persons to be asked. I think the whole thing could, if there were reason, be done perhaps within a year or within a year and a half. But I think there is the necessity that people should feel, and again this depends on whom we select and how much urgency they themselves are willing to communicate to the

others, that getting the paper in on time and really doing it and giving it priority over what inevitably will be other obligations, is necessary. This is really--the arms control story in a sense--a very interesting one, because we did on that occasion give essentially three months to people who were already very busy.

BELL: May I just pose one slight problem in terms of time perspective and orientation. A year from now presumably the Civil Rights Bill will have been passed; there will at least have been some resolution of it. Presumably the poverty program will have gotten under way either in some attenuated form or some large form, so that it seems to me that the perspective one wants to adopt really is apt to jump ahead a bit in terms of the suggestion that Professor Freund used yesterday, ". . . beyond civility," so to speak. The more difficult problems will come when the initial normative goals are reinstituted in the sense that the Supreme Court gave a moral basis ten years ago. Now there is a legislative sanction, which is again a new normative consideration, and now you get the real intra-struggle on local levels as in New York now, where the pressure is back and forth on the education areas. We may be perhaps still looking at the higher levels which may be less relevant a year from now. The problems that will come up a year from now will be much more detailed than perhaps the framework we have now.

GRAUBARD: Well, how can that. . .

BELL: In terms of the framework that Talcott outlined yesterday, which I think is a very useful framework. . . a great social map. . . I think much of the discussion has been put on the symbolical or normative level, whereas I suspect a year from now many more of the problems will be on the intra-school problem interest level really. . . where you will probably again be facing implementation and be dealing with resistances back and forth. Now I may be wrong, but at least in terms of trying to adopt a time perspective as of a year from now, that may be happening. Now you may want, in effect, to take this into account. . . in terms of planning; you may not want to be that topical and simply be caught up in that kind of projection, but then to say, well, let us look at it in terms of a larger social map, realizing that people are at that particular point.

GRAUBARD: But I thought in the conversation yesterday, both Talcott Parsons and Everett Hughes pointed out the institutional resistances to integration and pointed out how really difficult they are, and how important it is that we should understand them. I cannot believe that that sort of thing would be very much changed in one year.

PARSONS: It would be more visible and more the focus of the actual conflict than now.

GRAUBARD: Well, then, what has really to be done is to concern ourselves with that sort of thing rather than with the very special problems that preoccupy us in a political sense today.

BELL: Yes, plus the one dimension we haven't had really represented which is some picture of the political bargaining which will be going on, not so much anymore on the national level--there are all sorts of others ways--not so much in the formal sense of Congress, but the bargaining that goes on in terms of the kinds of things the Negroes want, and this process is still one which is unfolding and one which has not really been looked at. Jim Wilson has a book on it and to some extent there are other studies of this kind. By and large the kind of process in political bargaining, the organization in the legal community for political bargaining, to the extent that this would gell, seems to me an important dimension if one looks ahead now.

HUGHES: One of the things that I think is very important to get before American scholars and the American public is the point at which we apparently stand, this dialectic between rights of the individual and rights of the group. I don't think that has really full force yet and I think that our friend Professor Freund, together with some people who have studied movements of this kind before, here or in other countries, if they could make this clear and point out some of the implications, could make this a very important thing, as well as the identity thing. I think the place, the mode, of seeing our labor force and our evolving prospectus, and getting the idea that the structure of the labor force is changing. You can present that pretty fast. I mean, some of the changes in the labor force can be pointed out and the effect of that on the whole problem of economic and occupational integration. That could certainly be pointed out.

PARSONS: I certainly--I'd like to make two points. First, I wouldn't be in the least worried about presenting materials that are well known to the experts, but that are not well known to the broader public to whom you want to appeal, and are not generally seen in this particular context and their significant form. So I think thoroughly competent summaries of the available evidence in the topical area, slanted to its significance for this problem, would be one extremely important type. The other point is that my own feeling is strongly in favor of attempting to describe a balance of relative comprehensives. I quite agree with what Dan Bell said about the emerging salients of certain phases of the problem, but I don't think that that should be emphasized to the neglect of other things that are essential to the background of understanding why this has become so salient. Now if you have the scope of the Arms Control volume, or the Europe volume, you can get quite a lot in.

HUGHES: There is the basic change in our society that I think could be pointed out--it is known to the experts--and that is changes in the distribution of goods and services. We have two gentlemen here who have given us some inklings of how intricate is the whole problem of distributing medical services. Now, it isn't just how far it is to the nearest doctor or whether you can or he will charge you one dollar or nothing and somebody else ten dollars to make up for it. This whole medical distribution system has become infinitely more intricate than it ever was, and look at insurance in medicine; and it seems to me that some of the changes in the distribution of goods and services in our society might lead and does lead to differences in availability of certain kinds of goods and services to different elements of the population, specifically the Negro. This, it seems to me, is a very crucial picture here. I don't know whether there is anyone who has worked on consumption in that comprehensive way, including legal services, medical services; maybe you would want to take education as a special one, housing, food, whatever it is. I think the Negro as consumer and the distribution system should be dealt with in a pretty comprehensive way and the perspective could be given even though we couldn't fill in all the details.

GEERTZ: I want to speak to a question which I think is very important which Dr. Erikson raised about integration and other people have raised. It seems to me that as this book is a somewhat different kind of book from others, or professes to be, and it could easily be a non-book, it is much more important than most such symposia. There might well be a general essay written afterward by someone who is in charge or who tries to say what it all means, what the rationale of it is, why it was done this way, someone who tries to sum up some of the ideas that have occurred in this discussion and will recur in others, which is concerned not so much with the Negro problem, but with the book. I mean, not just methodological reflections, I don't mean that, but some fairly reasonably lengthy essay saying what this book is for, what we are trying to say to each other, what we are trying to do, and also, as a footnote, I would drop very quickly the American dilemma of Myrdal's image, because that is exactly what the book is not supposed to be like, and we ought to try another metaphor of some sort for what kind of book it is like. But if it doesn't, I agree that if it is just a series of snap-shot pictures of the distribution of goods and services, of the labor force, of identity and so forth, it could seem like a scrapbook, and it isn't. In fact, of course, the problem holds it together, but someone must take responsibility for showing what the logic of this particular publication is; it is not just that we are restless about the Negro problem and feel we ought to do something, and this is what we did and it didn't come out very well. You know, really try to say what it is. . .

GRAUBARD: Erik says that you said what he meant. Of course, what the guest editor of almost all of these volumes does, and I think the point you make is that particularly here it has to be done afterwards, and must reflect why certain things have been included--that's why it's important really to decide in some very general way about the things that you're hoping to achieve with the volume. There are many aspects of the problem which were just excluded on the basis of their not being relevant to the principal theme you have selected.

MAYER: Well, without being as optimistic as Gunnar Myrdal, then it seems to me that what we are still doing is to say that it is an American problem, that we think it could be solved in at least a number of ways, and what particular areas are we going to look at in terms of presenting what the difficulties are. When we do that, we at least give the ground work for

solutions. If we decided to look into the medical care and the Negro, education and the Negro, and so on, this is hopefully because we think that somehow these can be brought up to the standard level that is acceptable to American society. We are still, it seems to me, in the context of activism and we still have to pick the areas in terms of what we think can be done about them within a short while.

GRAUBARD: Do you say that critically, in the sense that that should not be or. .?

MAYER: No, I think that is the only way to proceed, by which the thing is manageable, rather than an encyclopedia of all the things that could be said.

BELL: I think it would be an interesting little social experiment for us to try this. I have the feeling that perhaps many of us have the attitude that much of this is being done from a good point of view, so to speak, the societal point of view, how we get things done, how do we solve this. If half the transcript were sent to people like Martin Luther King or Ken Clark, or Whitney Young and let them react to it, I think it may be very interesting to see what kind of viewpoints you might get, as they see the problem, based upon the flow of ideas which have come here. And then, perhaps, they can extract some of the answers.

GRAUBARD: Well, if as is very likely, out of this transcript we do come up with a summary of several pages which we think we are satisfied with, this might be a very useful thing to distribute.

ERIKSON: That, of course, brings us back to the question: are we now, is this group now segregated by default or is the larger group which you have in mind going to include the gentlemen mentioned here plus some others, and will there be a special forum, maybe, that would be the big meeting where they could react?

GRAUBARD: I know that both Whitney Young and John Hope Franklin--Franklin did indicate that he might still be in India, but both of those responded as if they wanted to be here--wanted to be here but they couldn't make this meeting although they still want to be part of the planning group. Allison Davis was supposed to be here, so I can't know what his feelings are.

HUGHES: Well, Mr. Young probably had a special duty because there is a quote on a page in the Times that announced yesterday a new program.

GRAUBARD: That is right. He told me that something was coming up about a month ago that made it impossible to be here. But I intend to inform anyone who wasn't here, especially the three Negroes whom we asked to the meeting, of course, that I intend to keep them informed.

HUGHES: Franklin Edwards of Howard University probably knows more about the occupational composition of the Negro middle class in this country than anyone. As a matter of fact, I think he's making a speech about it at the Eastern Sociological Society at the Statler Hilton this afternoon.

PETTIGREW: He also, I would say, is the leading authority on the Negro family.

SCHMIDT: I wonder if there would be any merit, in order to avoid any appearance of the book's being too highly academic and ivory towerish, in having someone like the Commissioner of Public Welfare of New York City involved in some way, if only as a person to react. Mr. Dumpson, being a Negro, is, I think, the first Negro to head a hugh public welfare department, and an extraordinarily imaginative person, who is bringing new methods, at least in so far as I know, to the health aspects related to welfare in terms of the population of New York City, not only Negroes, of course.

GRAUBARD: Are there any other injections in terms of the sorts of people who ought to be involved? In this connection, Mr. Moynihan, I am very curious from the point of view of your position in the Government what, out of these two days of talk, would seem to be the things that would be the most useful if they could be pursued by this group and by publication.

MOYNIHAN: There are three things which I have in mind, and one is Dr. Freund's discussion of what are the elements that have to go into a public policy decision on preferential treatment; what are all the things that you have to study in a systematic way; secondly, I felt that the things that Dr. Erikson talked about seem to me fundamental. If anyone is going to try to devise a strategy of reconciliation, it is perfectly possible that out of a theoretical understanding of how a group comes to accept each other you could devise some thought. I mean, how are southern whites and southern Negroes going to learn to live with each other and the Northerners--to accept the larger inclusiveness; and certainly I think that

the problem of the Negro family is practically the property of American government. I mean, we spend most of our money on this, in one form or another, in health, in welfare, and on employment, and yet we know nothing about it or not much about it, and one of the reasons is that we are not supposed to know anything about it; it's none of your business that 40% of the kids are illegitimate and don't, for heaven's sake, try to get it published, you can't. And if it is getting worse, that's even less of your business. All you're supposed to do is to keep on supplying welfare, and if we knew something about the dynamics of that and if we could, for heaven's sake, find something besides the inheritance from slavery, which sort of leaves you there--that's it, that's it--but if there is something that is new, if it's getting worse because of reasons that are new, then there is a possibility of public policy reacting to it.

GRAUBARD: I thought the family issue is really one of the absolutely essential ones. You know, the other one, of course, this whole concept that you developed yesterday, Talcott, of subsidy and what is a subsidy, and particularly your image of infant industries, was very suggestive to me. I have never heard it, and really it is again the question of how can you devise a formula where you help and don't appear to be helping for the wrong reasons, and, in fact, help in ways which achieve the end you are particularly looking for. And it really does relate again to your thought, Erik, of how do you define this group, how do you change from a negative to a positive identity.

HUGHES: That's also related to this whole question.

PARSONS: It's not altogether fantastic to draw an analogy between the situation of the disadvantaged group like this and illness, and to draw a parallel with respect to the justification of health. There is a sense in which the Negro is the sick group in our society, who needs help, and in the interests of the society as a whole, not only in their own--

BELL: But I think, isn't there a problem--this is from their point of view. You know, it's not only a matter of tactics and identity, but even more a matter of history. What is striking, perhaps, and very strongly so, is that while we all accept the idea of America as a democracy, the whole history of American democracy, the increasing amount of concern, let's say among Negro writers, with the fact that this is a racist democracy, it's hypocritical, it's false. All the pretensions, in a sense, of the society never really apply to

Negroes, so that from their point of view, it is not a matter obviously of illness. I mean it's one way of conceptualizing it from an over-all social point of view, but from their point of view, it's a matter of rights, and rights and illness is a very different kind of orientation obviously.

ERIKSON: That some doctors exist who correspond to the illness in their training .

PARSONS: I was thinking in terms of the need for help and of being in a position, a sub-standard, incapacitated position, which can't be blamed on them.

BELL: What is striking sometimes is the extreme dimensions of Negro orientations that you get in any protest movement. About a year and a half ago, I think, Nkrumah made a speech in which he said something to the effect that a large part of American wealth had been built upon the backs of Negro slaves. Therefore, the U. S. ought to indemnify Ghana, since most of the slaves came from Ghana, and this is part of an age old problem. This is exactly your idea of rights. You see, no one who governed had the courage to say, "Well, who sold the slaves to slavery, if not your own tribal chiefs?" And I suspect that some of this may come up in the next 20 years. You get a lot of these societies getting into all kinds of crises, as you look for enemies, so to speak. Bobby Kennedy, I think, when he went to Indonesia, was it? was told about the Mexican War of 1848, in which they said, "Why did you take Texas after all? Isn't this something you have to restore to Mexico?" and so many things which you think are long deep past in American history suddenly come up. This is the return of the repressed in the most extraordinary way. And I suspect that this instance of Nkrumah, given its infra-sense, is not going to be untypical in the next ten or twenty years. Particularly the fact that the pace of change is not going to be satisfactory to them.

HUGHES: It might appeal to Mr. Mirk who wrote the book on the concept of manifest destiny, and he has some very interesting chapters in there on who was included in this. You didn't include Negroes in this manifest destiny. It always seems a little wrong. The Canadians didn't join because, after all, they were white and protestant and they got a little frightened when they got beyond Texas down to Mexico, and they weren't sure that

it was our manifest destiny to carry democracy down there to those Catholic, dark-skinned people. But there is a very good discussion in Mirk on this whole question of who is included in the American moral democractic community, and the Negroes on a whole haven't been included.

MOYNIHAN: I believe what Mirk said. Eli Ginsberg is producing a book right now which states precisely the proposition that Myrdal may have thought that the Negro situation would solve itself because it really conflicts with basic American convictions. Ginsberg takes a different position of "No, it doesn't, it hasn't, it may half do so now," but the American democracy has been a white democracy up until our time, and I think it is perfectly true what Senator Kennedy said the other day, that President Kennedy was the first American President to declare, to state publicly that segregation is morally wrong. He was not only the first one to state it, but I suspect that he may have been the first one to believe it. Teddy O'Donnell told me one day that after a visit of President Truman's to the White House, the President came out shaking his head, President Kennedy, that is, saying, "I just can't get used to his talking about the 'niggers.'"

GRAUBARD: I was struck by your story this morning, Mr. Hughes, about the southern state, the novel, which I didn't know--the southern state without Negroes--Oh, I am sorry, Bob Merton, it makes you think again of how much we do live with sort of,well, how much we forget that some of the figures whom we are so admiring of, like Harry Truman really come so close to a sort of society that isn't at all extinct and that does feel this way, and while he may be for any number of other things, when it comes to this issue, obviously his other feelings prevail.

PARSONS: He integrated the armed forces.

PETTIGREW: I think the Ginsberg thesis can be far overdone and that the reaction to Myrdal's is now becoming kind of popular and is, I think, going too far. There was more to Myrdal's argument than we are willing to grant now. In fact, even slave holders in the south, all through the early part of the 19th century, were guilty as all hell about slavery, and they developed all sorts of elaborate and torturous rationalizations. There

are a lot of things I think Ginsberg just cuts right over, doesn't give proper attention.

HUGHES: Well, that is Mirt's point too, it took a long time to rationalize this.

KAYSEN: Talcott Parsons' very old point, that once you start on this set of categories, it's very hard to stop. You can't equal except treated according to capacity except that universalizing categories are universalized.

HUGHES: Mr. Graubard, may I inquire what is to be done with the transcript?

GRAUBARD: That depends, hopefully. As you know, a transcript never reads as well as the discussion. It's going to be an edited version and certainly, I think, if at all possible, we would like to distribute it. If we don't distribute it, we will certainly make a very full precis of it. And that will be distributed. And as I say, I am sure that this transcript is going to be very carefully studied, because I really do think that probably in the transcript itself are embedded the ideas that ought to dominate any book that comes out, and I think that it will have to be studied from that point of view. As I mentioned this morning, the thing that is always dangerous to try to do around the table is to think of names of people who should be involved in a project, and yet there is some advantage in doing so. I wonder if I could impose on you to the extent of your just giving me some notion of some of the people, and again, remembering that our object here is not simply to choose people who have already written extensively on the topic of the Negro, but rather, just as this group itself represents people who have and people who have not, to think of persons who ought to be enlisted in this effort and who, by being enlisted, might make it a very different thing from what it would otherwise be. I wonder, as I say, this is always dangerous to ask, because it is generally very hard for people to think so quickly, but I wonder if there were certain persons who immediately come to mind--they might be individuals or types of people who would consider us very remiss if we didn't include them.

BELL: I can think of two at the moment. Monroe Berger has been doing a rather detailed study of the Black Muslims in which he goes back to his old doctoral dissertation. He has a long history of relationship on this. It might be interesting to some extent, I don't know. This is just random thought. Robert McKeever, who many years ago was

involved in the problems of aesthetic discrimination, the nature of this in relation to political process, too. Maybe he would be interested in doing something like this.

PETTIGREW: I think, on the institutional barriers, and this aspect we talked so much about yesterday, that again he was heavily involved in race work in the 50's and sort of dropped out of it, now I think he's coming back in--Robin Williams at Cornell. It's not really on institutional barriers as such; it's more research but I think. .

GEERTZ: Another person who has been involved in a very practical way, having just written and gotten accepted the major plan for the reorganization of the school system in Chicago is Phil Hauser.

HUGHES: Phil Hauser and Robert Hankirst put together that report.

PARSONS: I have already mentioned, Steve, this young man at the University of Michigan, Leon Mayhew, who has done an exceedingly interesting study of the problem of implementation of anti-discrimination legislation that bears very much on the institutional barriers. That is to be published as a book.

PETTIGREW: And to help out with Hauser, and who used to work with Karl Tauber now at Berkeley, son of the senator from Wichita. . . At any rate, wherever he is, he's the man who did the Puerto Rican study in Chicago (Carl is referring to) and did his thesis, and his wife updated his thesis on residential patterns.

PARSONS: If Dan Price is doing the SSRC Census volume, census monography volume on the Negro, he would be just full of information.

FEIN: Well, he's doing the Negro one, and then there is one going on on the family, and with a good deal of attention on the Negro family with some overlap with Dan's, and then there's one on education and again more attention to education of the Negroes than Dan is going to be giving to education of the Negro in his Negro volume. These things all start hitting together, but the family one ought to be done this summer. Price told me the other day that he hopes to be done by July 1, but he might miss it. The education one ought to be done by the fall or end of the summer, and these people who are working on those volumes are in touch, trying to eliminate as much duplication as they can. So

that if one hits one of them, like Dan, one ought to be able not only to milk Dan, if he is interested, but also to find where the gaps in his information are, but gaps which are filled in the other volumes.

PETTIGREW: Also Carolina, and related to Price's project, in the political science department is Donald Mathews and Prothro on the Negro vote, primarily in the south. They have done demographic work, but they have also done field work directly. But how about the name of an economist who can do what we talked so much about yesterday, and it seemed to me that at least one of the most critical things that came out of our discussions is the projections, alternative strategies, given alternative growth rates, etc.

KAYSEN: Rashi Fein!

FEIN: By the way, Price is not at Carolina now, he's at the Behavioral Sciences at Stanford for the year.

GRAUBARD: This is a real problem, Carl, as you know, and I think Tom has said. . . Oh, well, he will certainly be one of them, I hope, but as Tom Pettigrew said to me once, in New York I think, the extent to which this field has not attracted economists is overwhelming.

FEIN: Well, Carl knows the names of economists who, on particular topics, might get interested.

KAYSEN: I really think what we are talking about here is a synthetic job, not a monographic. And actually, I would go so far as to speculate aloud, and this is a dangerous thing to do, that not only might we persuade our friend here to devote a little of his effort to this but that his institutional masters, the Brookings Institute, might conceivably be willing to help find, you know, create a locus where one or two other people, either people not now there or people who were there. For instance, the best name I could think of, in addition to Rashi Fein, would be Robert Lautman at the University of Wisconsin, who's the man who, sort of professing the communist point of view, invented poverty in recent years. It was his monograph for the Joint Committee study on inflation and price levels five years ago that really focused attention on the proposition that the income distribution was moving

away from the equalization that had characterized this movement for perhaps two decades before, and first put together the quite shocking figures on what proportion of families are poor by varying standards, and he's very good. Then I think that what is really needed is to take off, as we borrow from the very large set of ongoing enterpri ses that are producing general models of U. S. economic growth--there is one in every back yard, or at least every back yard in which a million dollars worth of research money is to be found--and draw from these some of the kind of inputs needed for our more specialized concern. What's Ed Denison doing?

FEIN: Rates of growth in Western Europe.

GRAUBARD: One problem, of course, is the whole field of education. Yesterday--again, we will find this in the transcript--but the problem particularly dealing not with years of schooling but quality of education; and it was perfectly clear that that was a harder thing to get at and probably the more telling fact if we could get at it, and I just wondered if Frank Keppel,now at the Office of Education, would be able to initiate? Is research going on there or is there anything in the government that would be helpful, or what could we do in that general area?

HUGHES: I sat on the Advisory Committee of the Cooperative Research Grants at the Office of Education for a number of years, and I must say that the professional educators and administrators on that Board were very resistant to having the government ever look behind the phenomenon of accreditation; if it was accredited, it was good. In fact, they have been able to break through that, as well as anybody could, but you would very likely have to get outside the accrediting, the professional secondary school people, to get the kind of cutting through that you would want.

BELL: Probably there are some resources in the Ford Foundation on this, since they have to know where they have given the money and where the gaps come.

HUGHES: Ford, I believe, has just given a considerable sum of money to Harold Hunt at Harvard to study this whole question of school desegregation; is this not true? (Yes). And he was in charge of the Chicago School System when there was the first big push on this right after the war.

FEIN: There is some work on this, I think, going on under Ted Schultz at the University of Chicago--on quality of schooling--but the focus of interest of one of the doctoral dissertations being produced there--that's only last week--was the Negro.

PETTIGREW: Who is the testing man at Chicago--Blum? (yes)

GRAUBARD: Talcott Parsons has just suggested that we might also approach James Conant or one of those who worked with him on the New York situation.

PETTIGREW: The only thing wrong with that is that if there is a major weakness in the Conant study, it is certainly involved in the Negro and it is almost a blind spot in their study--they either ignore it or the kind of things they say are strictly out of the 19th century, and just the mention of Conant's name or the research sends Negro leaders into an absolute tailspin, and I don't blame them. They have excellent evidence on which they base their criticism.

GRAUBARD: I would say that puts about three questions. Is there someone who didn't present his seniority report for that? Tom is one of the group who fought his recommendations but might be asked--anyone in his group that might be asked?

PETTIGREW: It was not apparent. He made a pretty clear shot.

FEIN: Can I ask, without trying to divert this from names, a specific question in terms of coverage? Is it envisioned,even beyond the kind of thing that Dan Price could contribute out of the '60 census, that there would be a piece that tried to bring together a lot of empirical data now available about the Negro, but available in diverse sources, either sources about the Negro, but they are sort of scattered, or unavailable because the publication wasn't really about the Negro, but may happen to be a goldmine of information? I can think of the Morgan, David, Brazer, Cone book. But there are undoubtedly all kinds of bits of information. When one tries to work with them, they are hard to come by. I don't know whether one would want to have a piece that tried to pull together and made available in one place simple references, things we want to know.

HUGHES: Howard University has been talking about getting a clearing house of this kind, but I don't know whether they have done anything about it or whether it has just begun. Whoever has got this is beyond collecting obvious titles.

KAYSEN: I was thinking about a synthetic effort of taking the information, take the most important parts of it, organize it in some respectable framework. I would think, Steve, that if you could find the right couple of people, and I would suspect it would best be done by two or three people, you know, with different professional minds and specialization, who were deep enough into this so that it wouldn't be a large diversion of their efforts to do it. This, itself, put out perhaps--I was making some notes from the same kind of thing here. I would think of something that might be 50 to 75 pages long, that might have an appendix which says what we don't know that we really ought to know after it has said what we do know. This itself, put out separately, perhaps could be done in under a year and would be very, very useful.

FEIN: This would be a major contribution. I cite two small pieces of evidence, one the fact that I was approached to try and do something like this by people in the sort of journalistic area, who felt a real need for it, and from my own experience on the staff of the Council of Economic Advisors in Washington--every time something came up on the Negro, I had to either call the Labor Department or call Health, Education and Welfare, the Public Health Services. I could never pick up a book and look up the most obvious of things. The mortality tables are in the Public Health Services; the education tables are in the Office of Education; and the unemployment figures are in the Department of Labor. This is the messy part of it. It would be very useful, and some of the things are very surprising figures. Maybe brought together that way, more attention would be paid some of them.

KAYSEN: It seems to me that the very act of assembling this, if done by the kind of people whom you want to do it and who want to do it, would produce some thought, so that the natural by-product would be to say something about it, as well as to say here it is. That combination I would think a very valuable contribution.

PETTIGREW: Particularly if you could stimulate bringing people into the race area who haven't been specializing in it before.

KAYSEN: That may be inconsistent with doing it with dispatch.

GRAUBARD: But there is, of course, I think of an article like John Whiting's piece on

parental deprival. This, on the surface, is not about the Negro, but actually the community he is most talking about and this,as you know, the locating of this sort of data, of finding what article without its having the Negro in its title or even a suggestion that it is about a Negro, is, in fact, specifically about that. It is very, very difficult, but is well worth it.

PETTIGREW: Some of the hottest data on the Negro, people who are afraid really to publish right under the title of Negro, is purposely sneeked in to studies--I think of some homicide data which shows tremendous discrimination in sentencing, and so forth, in Philadelphia. It's in a book on homicide by Wolfgang and he even describes a table as showing no discrimination when any fool can look at the table and see, and he knew this, but he had the cooperation of the police and so he couldn't--he figures the police couldn't read the tables--but everybody else could. And he was right. The most valuable thing was involved--purposely.

FEIN: Well, that's one level. These are sort of analytical data that arise out of analytical studies, and then there is another level and both are important data, just survey data, census data, all kinds of data, but that are buried in little reports and never pulled together, and are surprising and remind us of the point that I tried to emphasize yesterday--that there are many Negro communities.

GRAUBARD: I think this might very well be done separately, and would be rather like the critical bibliography that we hope to publish separately and that would again include both materials that were specifically on the Negro and also, insofar as we are able to, those that do not bear that designation but are clearly about that. I think this is a very good suggestion.

ERIKSON: Well, I wanted to suggest something really different, and again I just want to suggest it for discussion. Afterall, this whole integration movement now begins to have a history already. Could somebody who was involved in it, let's say, on the side of the Negroes--I thought of Rusin, but you say he's probably too ideologically involved himself to be able to write about it in a contemplative manner. But is there somebody who could objectify a bit in an article: what has he learned in these first years and where is he going,

what did he find, what would he work with, what could he not work with? This might be a bit in line with what you said this morning.

PETTIGREW: James Breedan in Boston, who is a local leader, not only articulate but very sensitive to what is going on. He's a reluctant leader. He would rather not be the leader--he's the leader because either he does it, or no one does. He's an Episcopal minister.

BELL: One problem, of course, is that there is no one movement--it has so many different parts, comes from so many different sources that you don't need an outsider to pull it all together.

MAYER: Could I comment on what Mr. Pettigrew just said and also on what Mr. Moynihan said earlier. It seems to me that certainly one of the things that has happened in this movement is really for the first time in American society, I think, the first time in a long time, the tremendous involvement of all the churches in a social movement, and it seems to me that this is an absolutely essential aspect of what is going on, and somebody should cover that. The churches and the young people, for instance.

HUGHES: Well, both the participation and the leadership and the succession of participation and leadership in the Negro movement is a very fundamental one. I mean the succession from Urban League to NAACP to CORE.

MAYER: And it's effect on the white Community.

HUGHES: It's like the succession in Europe from socialism, various revisionist movements, on down.

MAYER: This is a very peculiar aspect and a very important one. It seems to me the first time that ministers have something to talk to the young people about, they listen to and vice versa. There are all sorts of very interesting developments that somebody ought to cover.

PARSONS: I'll cite one interesting little fact. A nun, the first nun whose doctoral dissertation I had ever supervised, made a most interesting study of parish priests in the Boston Archdiocese with reference to their attitudes toward the social obligation of the church at parish level, and so on. The most diagnostic, single question she found was asking the priest whether he felt an obligation to help a Negro family find housing in the area of his

parish. The socially minded all came up and said yes, whether they are Catholics or not, it doesn't matter. The older, ritualistically-minded priest said, this is none of my affair.

HUGHES: We were interviewing in West Englewood in Chicago nearly 20 years ago, and we were asking people, among other things, do you fear the invasion of Negroes here and what do you think will happen and they said, "Oh, no, Father Connelly won't allow them." But at least it wouldn't be bad to have sort of a vicar involved in this. He knows this story of the Church because his own volume on the southern parish took great to-do and great business to get it published. No Catholic publisher wanted to publish it. We finally published it at the University of Chicago, and then some of our (people) had to explain to them that it wasn't in market for press.

GEERTZ: Also, the second volume, as you know, was never published.

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September 15, 1964

Mr. Stephen R. Graubard
Editor
Daedalus
Journal of the American Academy
of Arts and Sciences
7 Linden Street
Harvard University
Cambridge, Massachusetts

Dear Mr. Graubard:

I have now had a chance to read through the transcript of the Planning Committee meeting held by the American Academy of Arts and Sciences. The quality of the discussion deepens my regret that I was unable to accept your invitation to attend.

I cannot even attempt to comment at all fully on the transcript. I shall jot down a few rather random reactions which will, in some measure I suppose, reflect the concerns which seem most practically pressing to me, as much as anything else.

(1) Of the matters you discussed, three interest me most deeply, and I shall hope that the Academy will pursue them. One is the line of inquiry opened up by Professor Freund, the need for (page 63) a "theoretical framework" of a "philosophical sort."

(2) A second is the terribly important area that your discussants properly emphasized of institutional or structural rigidities, economic and otherwise. I would hope here that you might consider, if feasible, some regional analysis and even comparison.

(3) The third I can suggest by reference to Professor Erikson's eloquent statements (beginning at 64) on the problem of identity, and I would hope that the analysis (or analyses) might, if it seemed on working out it should, go as far, and with his own evident sympathy and even love, into the issue as Erikson did when he pointed to Ghandi and the "very dangerous business" (page 78). I strongly hope for but worriedly wonder about the correctness of Mr. Moynehan's off-hand remark (87), "they are going to have good lives."

(4) Moynehan's contributions throughout were of the first order, and so I feel free to stand off from another of his dicta (86), about the prime importante of church action. The Washington outlook has its own distortions. You have to come to grips with both the concept and the actuality of "the church," and I would rather like it if the Academy did take this one on. One maybe correct way of looking at what happened in 1963-64 is to see it as the success of the administrative bureaucracy of the churches in securing freedom to act in civil rights, and hopefully to drag the body along.

(5) One who shares my view of democracy and all other political values as something to be constantly re-defined and newly achieved can see what has happened in the South the last decade or so as a rather bright chapter of history. Some interesting things could be done with Professor Handlin's remark on page 34. And with the

fascinating comparisons of Tom Pettigrew's on page 55. (May I also add a second to his suggestion on 80 about use of the term Negro American?)

(6) As someone noted toward the end of the conference, the chief omission was the nexus of problems of municipal politics and government.

(7) The huge problem of education got discussed mostly in terms of preferential programs, and of course, as I am sure all the discussants would agree, this is only an aspect. I would suspect that something very interesting and fertile might occur if the person or persons working on education had a continuing interchange with the person or persons working on the Negro family.

(8) My sole reservation about the list of topics beginning at page ii is the study of the protest movement. Given your intention of publication in about a year, I am extraordinarily pessimistic that anybody (sic!) can manage this one, with the accuracy and the solidity and the freshness we shall all anticipate from the Academy.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj

Rec'd 9/22/64

DÆDALUS

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Telephone: 868 - 7600 Ext. 431 and 482

Journal of the American Academy of Arts and Sciences

21 September 1964

File

Mr. Leslie W. Dunbar, Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Mr. Dunbar:

Thank you very much for your letter of September 15 to Mr. Graubard concerning our Negro in America transcript. Mr. Graubard is in Europe at this time and I am sending along a copy of your letter to him. I know that he will be extremely pleased with your long and interesting comment, and he will want to be in further correspondence with you upon his return looking toward a future conference on this projected issue of DAEDALUS.

Sincerely,

Nancy W. Williamson

(Mrs.) Nancy W. Williamson
Editorial Assistant

file: Amer. Academy of Arts & Sciences

June 8, 1955

Dr. Ira De A. Reid
Haverford College
Haverford, Pennsylvania

Dear Dr. Reid:

I accept with pleasure your invitation to contribute to the March 1956 issue of THE ANNALS on racial desegregation and integration.

The prospectus is excellent, and I am sure the volume will be a landmark in the literature of the field.

You may expect from me by November 1, 1955, a manuscript of not more than 4,000 words on the subject "Resistance Movements and Racial Desegregation."

Kindest personal regards.

Sincerely,

Harold C. Fleming
Assistant Director
for Information

THE ANNALS

of The American Academy *of* Political *and* Social Science

3937 CHESTNUT STREET
Philadelphia 4, Penna.

THORSTEN SELLIN, *Editor*
RICHARD D. LAMBERT, *Assistant Editor*

May 28, 1955

Mr. Harold Fleming
Southern Regional Council
63 Auburn Avenue
Atlanta, Georgia

Dear Mr. Fleming:

The Editor of this journal has asked me to serve as special editor for an issue on "Racial Desegregation and Integration: Process and Problems in Social Change" to be published in March, 1956. It is my privilege to ask you to be a contributor to this volume. The general purview of this issue is given in the enclosed prospectus.

We are especially interested in having you contribute an article of not more than 4,000 words on "Resistance Movements and Racial Desegregation", listed as chapter number 8 in the prospectus. The indicated scope of this chapter is for the author's general guidance and does not represent any limitation of interpretation that he must follow. The manuscript must be received on or before November 1, 1955.

As you may know, THE ANNALS is unable to pay its authors for their articles. Authors will receive, however, one cloth-bound and ten paper-bound issues of the volume. Because the journal does reach a very wide and influential segment of the American public, a group that would be intellectually and socially interested in your contribution, I am not hesitant in asking you to share in the making of what should be a significant publication. THE ANNALS is printed in editions of about 17,000 and goes to some 16,000 members and subscribers, including more than 4,000 libraries within this country and abroad.

I shall be very pleased fi you can join us by writing the article indicated. Will you advise me as soon as possible, addressing your reply to me at Haverford College, Haverford, Pennsylvania?

Sincerely yours,

Ira De A. Reid

Ira De A. Reid

IR:mh
Encl.

THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE

Prospectus for Issue of March, 1956

"Racial Desegregation and Integration;
Process and Problems in Social Change"

Editor for the Issue: Ira De A. Reid, Haverford College.

Manuscripts due: November 1, 1955.

A. PERSPECTIVE

The United States Supreme Court's decision of May 17, 1954 which declared segregation in the public schools of this nation to be an unconstitutional procedure, may be regarded as another great charter of human freedom. As such a charter it is deemed to have a generality and adaptability upon which the whole pattern of racial statuses in the United States may be woven. The decision is interpreted as expressing a general rule, against which certain statutes of the past are rendered null and void and new statutes are to become elaborations, qualifications, exceptions, and accommodations to circumstance. The decision may well be the harbinger of significant changes in political-human relations in this country.

The fabric of this decision has been woven over the years. Public policy, states' rights, decrees of judges, acts of legislatures, opinion popular and unpopular have all entered into its design. Along a score of fronts, educational, economic, political and social, its abstractions meet concrete situations and in the impact each will affect the other. The decision's trim yet tangled actuality is a product rather of the years than of the moment. As a design it reveals a society at peace with confusion, a surge towards a common objective. It has a relevancy, an intricacy, an arresting quality which no blue print could ever possess. Its ideal is a reference for social justice. Its logic is the logic of things that change.

What, then, is its actual meaning for social life in the United States? What are the matters of immediate and practical concern which demand rational action and realistic planning? In general, we see two processes at work--desegregation and integration. Desegregation we regard as a neutralizing process that must occur when groups have been prevented from having equal and harmonious relations with other groups, races, ages, religions, sexes or classes because of edicts or customs which have limited the character and extent of their interrelationships. The segregated society may be typified by separate schools for races of people, "white" primaries, denial of equal access to places of public accommodation, laws preventing racial intermarriage, and other procedures and rules that may restrict a group's full participation in a society because of its race, creed, or nationality. Desegregation, the removal of these barriers, is an essential prerequisite to integration. The former is achieved to the degree that it succeeds in modifying the social institutions, the personal behaviors, and the value systems which supported it.

Integration, however, is the situation which exists when men in society are breaking down the aforementioned barriers while moving toward the full acceptance of all people without reference to their racial, religious, or national differences. It is the process of achieving full equality of status and condition. The elimination of "Negro jobs" or "white jobs" in employment, the establishment of an "open occupancy" tenancy program in housing, are but first steps toward integration.

Ultimately, integration is an ideal condition which ceases to exist when it is acheived. In a culturally healthy situation the condition may be achieved so gradually and so effectively as to attract little or no popular attention or opposition. In other situations the transition may be fraught with real or imagined dangers. Whether the transition is easy or rugged, the change always involves some social cost to the existing system. As a consequence, the social community is called upon to determine 1) how far integration should go; 2) under what conditions it is to be achieved; and, 3) within what limitations it shall occur

We want to look at racial desegregation and integration in the United States within this general purview but with specific refernce to selected aspects of achieved and predictive change. Four broad areas of the situation are to be explored, Backgrounds, Desegregation, Case Studies in Integration, and Principles for Planning. It is hoped that the articles in each section will be based upon such insights and perspectives as will represent a contribution to the study of human rights and human relations. Throughout the volume the articles should seek to answer these basic questions: What is the political, social, and economic nature of the problem with which I am dealing? What aspects of change does it involve? What major resistances have been or may be expected in achieving the desired objective in democratic human relations? The specific suggestions for the author's consideration given under each title are for his general guidance. He is not obliged to accept this preliminary formulation.

B. CHAPTER DESIGN

1. RACIAL ASPECTS OF PUBLIC POLICY. (2,000 words)

What evidence supports the contention that the United States of America for centuries has been the experimental proving ground for the principle that men irrespective of their race, creed, or national origin can live and work together harmoniously for the common good? A background article for the volume.

2. HISTORY OF RACIAL SEGREGATION IN THE UNITED STATES (4,000 words)

The formal emancipation of slaves did not bring either actual freedom or real equality. New laws were considered necessary to define the new relationships when the old caste order collapsed. What were the repressive and dicriminatory legislative acts which the 14th and 15th Amendments were designed to outlaw? What problem underlies the civil rights statutes of the several states? Treat, if possible, from the point of view of "Jim Crow" legislation, providing an adequate background for the article which follows.

3. THE U.S. SUPREME COURT AND THE SEGREGATION ISSUES. (3,000 words)

Upon what Federal constitutional provisions, what precedents, and in what issues of public policy has the Supreme Court faced the racial segregation issues? Reference might be made to the series of decisons dealing with peonage, restrictive covenants, fair trials, public accommodations, etc.

4. SEGREGATION IN AMERICAN EDUCATION: AN OVERVIEW (4,000 words)

What has happened to the racial patterning of public education in the U.S. since the first decisions of the Supreme Court dealt with the separate but equal principle? What are the problems of elementary and secondary schools adjustment? Of colleges and graduate schools?

What social inventions represent "gradual" approaches to integration? Which ones represent quasi-evasion? What have been the spill-overs into private education? Are equal educational facilities possible? Under what conditions?

II. DESEGREGATION

5. DESEGREGATION: THE NAACP STORY. (4,000 words)

For more than forty years this organization has sought to desegregate the United States' social structure. To what issues did it give priority? Why? What were its handicaps? Which issues were overcome? What areas of American life does the NAACP regard as desegregated? What remains to be done? How?

6. ORGANIZED PHILANTHROPY AND DESEGREGATION. (4,000 words)

The role forthe Fund for the Advancement of Education in making available to the public the facts and problems of segregation in public education was a singular one. Why did the FAE engage in such a venture? Are there precedents in organized philanthropy's grants in this area? What sort of mosaic is presented by such activities as the General Education Board's interest in Negro education, the Phelps-Stokes early interest in housing, the Carnegie Foundation's interest in South Africa and in public libraries, the Rosenwald Fund's general interest in problems of races, and, the Opportunity Fellowships of the Whitney Foundation, to cite a few. What significane, if any, may be attached to the fact that a high proportion of the funds supporting movements for reform in this area of human relations has come from organized philantropy?

7. LEGAL INVENTIONS AND THE DESEGREGATION PROCESS. (4,000 words)

The May 17, 1954 decision gave rise to numerous legal proposals for Southern states designed to circumvent its application. What were these legalistic resistance movements? What significance do they have for interpreting the ways in which the Supreme Court's decision may or may not be implemented in certain states?

8. RESISTANCE MOVEMENTS AND RACIAL DESEGRATION. (4,000 words)

What sorts of pressure groups and extra-legal movements now agitate against desegration? What are their arguments? Their strengths? Their weaknesses? In the past we have had such movements as the Ku Klux Klan and the various "Shirt" organizations. Today hears of the National Association for the Advancement of White People. What resistances has the Southern Regional Council noted? How may they be evaluated as factors in the end result?

9. THE FACTS OF EDUCATIONAL DESEGREGATION: S.E.R.S. (4,000 words)

The Southern Education Reporting Service is a surprise development in the desegregation arena. How did it come to be? What does it conceive to be its role? What have been its problems? What can it say about the issue of desegration as gleaned from its reporters and after 18 months of its operations?

III. CASE STUDIES IN INTEGRATION

10. POLICIES AND PRACTICES OF DISCRIMINATION COMMISSIONS. (4,000 words)

What answers to the opinion that integration cannot be legislated have been provided by the state and municipal commissions against discrimination? What sanctions are employed by such agencies in dealing with grievances arising out of unequal treatment and racial discrimination? What policies, powers, and practices may be noted as having general validity for integration programs? Could such commissions be established in Southern states? May these commissions be regarded as the consequences of such prior efforts as the use of shock-absorbing race relations consultants, and relatively powerless fair employment practices and grievances committees?

11. INTEGRATION IN ARMED SERVICES. (4,000 words)

The integration of racial personnel in various branches of the nation's armed services has been highly publicized. What problems and programs survive the remarkable achievement of the World War II period? To what extent and in what ways has the Department of Defense been able to secure and maintain the active cooperation of the civilian community in its programs? What problems of procedure and implementation remain? Where?

12. INTEGRATION IN PUBLIC AND PRIVATE HOUSING. (4,000 words)

The achievement of integration in housing goes beyond the scope of the law. Private contracts, customs, and financial arrangements, among other factors, may be clues to the extendt and nature of integration in residential areas and public and private housing. What experiences and principles stem from the nation's efforts in this field in the last quarter of a century? What contemporary programs seem to have significance for discrimination-less housing? What blocs seem most formidable?

13. INTEGRATION IN THE NATION'S CAPITOL. (4,000 words)

Washington, once called the "tarnished symbol" of human rights, has had a series of desegregation and integration pressures and programs, and no small amount of organized resistance. Some of these practices may be related to the city's geographical location, others to the nature of partisan politics, race, and a voteless community, yet others to peculiarly local customs and activities. Can the Washington story of racial segregation, desegregation, and integration be told in its full socio-historical sweep?

14. INTEGRATION IN PROFESSIONAL EDUCATION.....SMU. (4,000 words)

The Perkins School of Theology, Southern Methodist University, Dallas Texas, graduates its first integrated class in June, 1956. Through what administrative, educational, and social experiences have the university and the students moved in reaching this end? What import for the South, the nation, and education does this experience provide?

IV. PRINCIPLES FOR PLANNING

15. DESEGREGATION, INTEGRATION AND THE RACIAL COMMUNITY. (3,000 words)

What principles and problems are involved in establishing a new way of life for the minority group community? From studies of all-colored and ghetto communities can we distill principles that have validity for interpreting the problem ahead? What losses, what gains, and for whom may be expected? What resistances may be found: What values are affected?

16. THE INTEGRATION PRINCIPLE AND NON-NEGRO MINORITIES. (3,000 words)

Previous decisions of the Supreme Court in this field have had meaning for interpretation of the statutes of other minorities than those affected by the letter of the decrees. What other minority groups are affected in what ways by this decision of the Court? Indians, Oriental-Americans, Spanish-Americans? May it be said that a common principle of integration has a common interpretation for such groups? Is there a universe of discourse within which one could treat these practical situations as aspects of integration as an ideal of American society?

17. RACIAL POLICIES AND INTERNATIONAL RELATIONS. (3,000 words)

What sorts of international reactions attend the statement and the revision of racial policies in the United States? What positive and negative results illustrate the effect of the Court's decision (and its subsequent hearings) on this nation's status as a defender of human rights?

18. SOCIAL SCIENCES AND THE SEGREGATION PROCESS. (3,000 words)

What have the social sciences as sciences rather than as moral philosophies to offer as blue prints for communities and institutions moving through the segregation-desegregation-integration processes? To what degrees an in what ways may unanticipated consequences affect planning in this area of human relations?

19. RACIAL DESEGREGATION AND INTEGRATION: A BIBLIOGRAPHY OF CONTEMPORARY STUDIES AND PROPOSALS. (4,000 words)

A catalog of significant books, monographs, court decisions, briefs, amicus curiae, and unpublished documents in the general field of desegregation and integration. Major emphasis is to be given to the processes, minor emphasis to the areas, education, public accommodations, employment, housing, etc.

Honolulu, T.H.
6/21/45

Dear Harold Fleming -

Thank you for accepting the Lunch assignment. I know that it will be a good treatment. The instructions will come to you from Philadelphia's Funds Office.

Best wishes to all.

Lunch

Ian

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=PLEASE ADVISE BY COLLECT TELEGRAPH WHEN I MAY EXPECT YOUR ANNALS MANUSCRIPT. MY DEADLINE IS IMMINENT=

:IRA DEA REID=.

Harold Fleming
under Staff

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THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

January 25, 1956

Mr. E. Gordon Alderfer, Executive Assistant
The American Academy of Political and
Social Science
3937 Chestnut Street
Philadelphia 4, Pa.

Dear Mr. Alderfer:

Our staff has just emerged from an extended series of conferences, and this is the first opportunity I have had to reply to your letter of January 17.

We should be happy to cooperate in publicizing the forthcoming issue of THE ANNALS. As it happens, the Southern Regional Council has a binding policy that names and addresses on our mailing lists may not leave the office. However, we would be glad to enclose descriptive material in the mailing of our monthly publication New South; no additional postage would be required if the mailing piece would not exceed one ounce. Alternatively we could address and mail the material separately in this office at cost.

I hope we can work out an arrangement within the limits of our policy to further the distribution of your March issue and will look forward to hearing from you.

Sincerely,

Harold C. Fleming,
Assistant Director.

HCF:mf

THE AMERICAN ACADEMY
OF POLITICAL AND SOCIAL SCIENCE
3937 CHESTNUT STREET
PHILADELPHIA 4, PA.

E. GORDON ALDERFER
Executive Assistant

RECEIVED JAN 18 1956

17 January 1956

HCF

Mr. George S. Mitchell, Executive Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, NE.
Atlanta, Georgia

Dear Mr. Mitchell:

The March issue of THE ANNALS of the American Academy is to be devoted to a scholarly discussion of the problems of desegregation and reintegration. Realizing that your organization and its members are very much interested in this problem and that the Conference's activities have meant so very much to the development of opinion in the South it occurred to me to inquire whether it would be possible to obtain from you a list of your membership so that we could inform them of this publication as well as the general program of the Academy.

If this could be arranged within the framework of your organization policies we would be happy to pay whatever costs are involved, including the addressing of our envelopes. If you publish a directory of your membership we could of course arrange to do the addressing in our own office.

We are very eager to complete arrangements for sending out information about this publication and it would be doubly helpful therefore to hear from you at your earliest convenience. As a matter of fact I would be happy to have you wire me collect.

Let me take this opportunity to express the good wishes of the Academy to you and your own organization. If at any time in the future we could be of any assistance to you I sincerely hope you will get in touch with us.

Cordially yours,

Gordon Alderfer

E. Gordon Alderfer

EGA:ajs

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W. P. MARSHALL, PRESIDENT

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of

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.....

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the internationally noted journal published bimonthly. Each issue presents a book-size symposium of 15 to 20 articles by a panel of experts on one broad topic of vital importance—*plus one of the most extensive book review sections in the social sciences.* New members will receive as the first of six volumes published during the year

RUSSIA SINCE STALIN
OLD TRENDS & NEW PROBLEMS

January 1956 200 pages

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INTERNAL SECURITY AND CIVIL RIGHTS

July 1955 190 pages

The American Academy

SINCE 1889 The Academy has served as a common meeting ground for those who have our political and social responsibilities at heart. Through its publication, THE ANNALS, The Academy has come to be an educative stimulus to thousands of thoughtful and mature readers not only in America but also in many other parts of the world. Its objective is education, not propaganda. It is a medium for passing on constructive, accurate interpretations of the facts involved in key problems facing America and the world, prepared by widely recognized professional authorities in a readable and intelligent manner.

Libraries and the many thousands of Academy members, from foreign presidents and premiers to country high school teachers, have learned to value THE ANNALS as one of the most reliable, objective sources of information about contemporary problems.

The officers and directors of The Academy will be honored to have you among us.

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JANUARY 1956 THE ANNALS

RUSSIA SINCE STALIN
OLD TRENDS & NEW PROBLEMS

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Recent Trends in the Soviet Economy, by JOSEPH A. KERSHAW, Economics Division, The Rand Corporation

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Soviet Policy Toward Western Europe Since Stalin, by ROBERT F. BYRNES, Mid-European Studies Center, New York

Soviet Policy in Asia Since Stalin, by HAROLD H. FISHER, Hoover Institute and Library, Stanford University

Soviet-American Relations, by PHILIP S. MOSELY

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.....COMMUNITY SERVICES AND THE PUBLIC SCHOOLS (November 1955)
.....HIGHER EDUCATION UNDER STRESS (September 1955)
.....INTERNAL SECURITY AND CIVIL RIGHTS (July 1955)
.....AIR POWER AND NATIONAL SECURITY (May 1955)
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.....THE FUTURE OF THE UNITED NATIONS: ISSUES OF CHARTER REVISION (November 1954)
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3937 Chestnut Street, Philadelphia 4, Penna.

I accept the invitation to membership in

The American Academy

and enclose check, cash or money order for $6.00* covering the annual membership fee. Date my membership from January 1, 1956, but send me gratis the paperbound July 1955 volume of THE ANNALS on the subject of *Internal Security and Civil Rights.*

Name.....
(please print)

Address.....

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*MEMBERSHIP CLASSIFICATION			
	Life Membership	$200.	Payable in advance.
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February 1, 1956

Mr. E. Gordon Alderfer, Executive Assistant
The American Academy
of Political and Social Science
3937 Chestnut Street
Philadelphia 4, Pa.

Dear Mr. Alderfer:

Our Secretary-Treasurer estimates that we could undertake the mailing proposed in your letter of January 27 for about $35.00 for clerical staff time, plus postage. Allowing for duplications, our mailing list would run about 4,000.

Only one problem outstanding: This arrangement assumes the use of our addressograph machine, which will accomodate nothing wider than the normal letter size (No. 10) envelope. Unfortunately, our machine requires an expensive adjustment to run off the addresses on tape, and we simply don't have the clerical staff available to address the envelopes individually. Is there any possibility of your invitation being folded for a number ten envelope? If that can be worked out, we should be glad to proceed at your convenience.

We too would like for our subscribers to know about the March issue of The Annals. Failing a promotional mailing, we can at least insert a notice of it in our monthly publication.

Sincerely,

Harold C. Fleming,
Assistant Director.

HCF:mf

THE AMERICAN ACADEMY
OF POLITICAL AND SOCIAL SCIENCE
3937 CHESTNUT STREET
PHILADELPHIA 4, PA.

E. GORDON ALDERFER
Executive Assistant

27 January 1956

Mr. Harold C. Fleming, Assistant Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Mr. Fleming:

It was a pleasure to hear from you. I hope you will disregard my wire in the light of your kind letter of January 25.

I appreciate very much your willingness to cooperate in publicizing the March volume of THE ANNALS, and I can also appreciate your binding policy that names on your mailing lists may not leave the office. The difficulty I face in the light of this policy is the fact that announcements that we send out also double as personalized invitations to membership in the Academy; a sample of our January promotion is enclosed to illustrate. Furthermore we compare all names used in our promotion mailings with our present membership so that current members of the Academy are omitted from such mailings.

I am wondering, however, whether your office would be willing to undertake the following, even though it sounds a bit complicated, - we would, of course, be willing to pay for whatever costs are involved. For the sake of discussion let us assume that we sent you 3500 envelopes and invitation forms, along with a geographically arranged strip list of Academy members in the states covered by the Southern Regional Council. Would it be possible to employ your staff on comparing our list of names with yours, filling in the names of members of the Council who are not members of the Academy, and mailing out these invitations or announcements directly from your office? As I say, I realize this may be suggesting ~~the~~ a process that your staff would not undertake to do, but if you would be able to consider it I would much appreciate having from you an estimated cost of the total operation.

I would not so thoroughly pursue this matter with you were it not for the fact your Council so admirably represents the type of individual we are so eager to communicate with regarding this volume. I know Dr. Reid feels the same way about it.

Cordially yours,

Gordon Alderfer

Executive Assistant

EGA:ajs
Enclosure

February 8, 1956

Mr. E. Gordon Alderfer, Exec. Assistant
The American Academy of Political and Social Science
3937 Chestnut Street
Philadelphia 4, Pa.

Dear Mr. Alderfer:

Our problems seem to be at an end. The smaller of the two envelopes that you sent will work in our addressograph, and we can go ahead anytime on the basis described in my last letter.

I think we are clear about the use of your membership strip list to avoid duplications and our estimate took that into account.

Sincerely yours,

Harold C. Fleming,
Assistant Director.

HCF:mf

The American Academy
of Political and Social Science
3937 CHESTNUT STREET
PHILADELPHIA 4, PENNA.

This is our regular
"invitation envelope"

The American Academy of Political
and Social Science
3937 Chestnut Street
Philadelphia 4, Penna.

We can supply this
envelope if desired
instead

3/4

THE AMERICAN ACADEMY
OF POLITICAL AND SOCIAL SCIENCE
3937 CHESTNUT STREET
PHILADELPHIA 4, PA.

3 February 1956

E. GORDON ALDERFER
Executive Assistant

Mr. Harold C. Fleming
Assistant Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue NE
Atlanta 3, Georgia

Dear Mr. Fleming:

I appreciate so much your willing to bear with us! Just to be sure to make it as easy as possible, I am enclosing two types of envelopes so your office can let me know which can best be used on your addressograph. The odd-sized envelope, measuring 5 x 6½", is the one we normally use for sending our our invitation-announcements. The other envelope, measuring 6½ x 3 5/8", is a standard size which we can supply, but its use will require that the printer fold the invitation form twice rather than once as is usually done. To use a regular No. 10 envelope as you suggest just doesn't seem to be feasible because the invitation form would have to be redesigned.

To save your office the trouble of filling in the invitation form by writing the name of the person addressed, I will instruct our printer to to change the copy on the front to read "The American Academy etc. cordially invites you to membership etc." Hence, the individual name will not need to be written in.

I am not sure you understood our reference to sending you a strip-list of our members in the states covered by your Council. What I meant to say was that I would like your office to compare the names you run off on our envelopes with the names of our own members in your states and eliminate any duplications so that those of your members who are already members of The Academy will not receive an invitation. Our strip list is, of course, arranged geographically by states and cities. If this seems like too cumbersome a procedure, let me know and perhaps we can alter our long-standing policy in this instance.

Evidences are accumulating that the March volume will have a wider than usual audience and sale. I am sending along a proof copy of our March invitation. I know your own contribution on "Resistance Movements" will add much to the meaning of the whole volume.

Cordially yours,

Gordon Alderfer

E. Gordon Alderfer

encls

THE ANNALS
of The American Academy of Political
and Social Science
3937 CHESTNUT STREET
PHILADELPHIA 4, PA.

THORSTEN SELLIN, *Editor*
RICHARD D. LAMBERT, *Assistant Editor*

March 20, 1956

Mr. Harold C. Fleming
Southern Regional Council
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Mr. Fleming:

I hope by now you have received the March issue of THE ANNALS on " Racial pesegregation and Integration," and that you will find the volume as a whole informative and interesting. We deeply appreciate your assistance in making this issue what seems to me to be an outstanding symposium on the problem.

Very sincerely yours,

Thorsten Sellin

Thorsten Sellin
Editor

Prepared for THE ANNALS of the American Academy
of Political and Social Science, March 1956 issue

RESISTANCE MOVEMENTS AND RACIAL DESEGREGATION

Harold C. Fleming

Since the era of Reconstruction, every period of crisis in the relations of the South and the Nation has given rise to resistance movements below the Potomac. The archetypal pattern was set by the original Ku Klux Klan. Political developments around the turn of the century wove the ethos of white supremacy into the social, economic, and political fabric of Southern life. During the past half century that fabric has been so stretched, patched, and retailored that in many respects it is hardly recognisable. But the tough strands of the Lost Cause have managed to hold together, providing today virtually the last reminder of a once-united white South.

Since the Supreme Court's decision of May 17, 1954, at least twenty pro-segregation groups have appeared on the Southern scene.[1] Among these organizations there are wide variations in ideology and effectiveness; but

[1] U. S. Klan, Knights of the Ku Klux Klan, National Association for the Advancement of White People, Association of Citizens' Councils of Mississippi (also White Citizens' Councils of Alabama, Arkansas, South Carolina, and Texas), Constitution Party of Alabama, American States Rights Association of Birmingham, White America, Inc., of Arkansas, Christian Civic League of Georgia, States Rights Council of Georgia, Knights of the White Christians of Louisiana, Society for Preservation of State Government and Racial Integrity of Louisiana, Southern Gentlemen of Louisiana, Maryland Petition Committee, Baltimore Association for States Rights, North Carolina Patriots, South

they have in common the aim of mobilizing resentment against "outside interference" in the racial affairs of the region. And a substantial number of them are loosely federated under the spiritual authority of the White Citizens' Councils.

It is a measure of Southern progress that the mummery and frontier methods of the old Ku Klux Klan are no longer respectable. There is, to be sure, a newly chartered organization which seeks to trade on the name. But it is little more than a pallid ghost of its adopted ancestor. Indeed, since the demise of the powerful Klan of the 1920s, successive incarnations have declined steadily in strength and in influence. The revival of the hooded order after World War Two lasted only a few embattled years. Then it found itself denounced from the pulpit and the platform, legislated against in state capitols, and prosecuted by state and federal law enforcement agencies. Its bankruptcy was complete when it appeared on the United States Attorney General's list of subversive organizations.

The current Klan's attempts to exploit reaction to the Supreme Court's ruling have hardly been noteworthy so far. The self-styled Imperial Wizard is an Atlanta paint-sprayer named E. L. Edwards, who has two arrests and one conviction for gambling to his credit. Edwards has made speeches and distributed literature in parts of Georgia, South Carolina, and Texas. Aside from these efforts to recruit dues-paying members, the Klan has shown little vitality. Ineptly led, unmasked by state laws, and inhibited by the unfriendly attentions of the F. B. I., it is a "fringe" group in the full meaning of the term.

[1](continued) Carolina Committee of 52, States Rights League of South Carolina, Tennessee Federation for Constitutional Government, Tennessee Society for the Maintenance of Segregation, Defenders of State Sovereignty of Virginia, Virginia League. (Based on reports in Southern School News and files of the Southern Regional Council.)

One of the factors contributing to the decline of the latter-day Klan has been its appeal to anti-Catholic and anti-Jewish bigotry. The South has its share of prejudice against these religious minorities, but extreme manifestations of it are generally considered disreputable. A case in point is the experience of the National Association for the Advancement of White People (NAAWP), the first and most widely publicised pro-segregation group of the present cycle.

The NAAWP -- the personal creation of Bryant Bowles, a Floridian with a well documented police record -- won overnight notoreity for its role in the Milford, Delaware, controversy. At the beginning of the 1954-55 school term, the Milford Board of Education had admitted eleven Negro students to the hitherto white high school. Bowles quickly seized the opportunity to rally resentful white people of the area and to direct them in a campaign of school boycotts and demonstrations. State authorities reacted with equivocal and confused public statements, which had the practical effect of repudiating the Milford school board. In the end, segregation was restored, the school board replaced, and Bowles elevated to a position of honor in segregationist circles.

The outcome of this local skirmish unquestionably gave encouragement and impetus to the resistance movement throughout the South. But the subsequent career of the NAAWP has been anti-climactic. Bowles's attempt to exploit anti-desegregation sentiment in Baltimore was thwarted by prompt and resolute action on the part of civic groups and public officials. Unsavory details of Bowles's background came to light, and he found himself indicted on a charge of violating state school laws.

These liabilities alone might not have prevented Bowles from extend-

ing the NAAWP into the South and making of it the mass movement he had predicted it would be. It soon became apparent, however, that he was making overt and blatant use of anti-semitism. He distributed to NAAWP supporters thousands of copies of such anti-Jewish nationalist publications as Common Sense and The American Nationalist. He also shared the platform with individuals whose anti-semitic records were well known, and himself startled audiences with diatribes against "the Jews who are alien to the white race and most influential and instrumental in the spoiling, looting, and defilement of it...."

By these tactics Bowles forfeited the possibility of securing influential community backing for his organization. During the summer of 1955, a segregation-minded group in Charlotte, N. C., invited Bowles to address a rally, looking toward the establishment of a local chapter of the NAAWP. A public airing of Bowles's anti-semitic activities, however, caused several of the local sponsors to withdraw and evidently destroyed any prospects of an effective organization in Charlotte. At this writing, the NAAWP appears to have little or no following outside of southern Delaware, and its long-range hopes there seem none too bright.

The contemporary Klan, the NAAWP, and other organizations of extremist temper cannot be dismissed as of no consequence. In a disturbed social situation, fringe groups of this kind can constitute a serious threat. During quiescent periods, they maintain a hard core of professional organizers and dedicated followers. When tension in a given area reaches a sufficiently high level, these experienced agents may serve as catalysts of violence.

While the danger of mob action should not be overlooked, neither should it be exaggerated. There is reason to believe that even the most

vocal champaions of segregation among Southern state officials would act to quell public disorders. They are well aware the widespread or prolonged violence would have disastrous consequences for their respective states, in terms of both economic penalties and possible federal intervention. Thus rioting and other forms of mob action, if they occur, are likely to be localized and short-lived.

In short, the organizations whose overt appeal is to the violence-minded are not yet extinct, but they are becoming obsolete. The legitimate heirs of the Reconstruction Klan use a subtler approach. They have translated the lawless elements of the resistance tradition into more modern idiom -- modern, that is, in terms of the plantation culture which persists in the subregion commonly called the Black Belt.

This band of agricultural counties, stretching from southeast Virginia to east Texas, was the heartland of the slave South, just as today it is the last stronghold of segregation. Both the economy and the social system of the Black Belt have traditionally depended on the subservience of the large Negro Population, which ranges from 40 to 80 per cent of the county totals. During the last century, the planter aristocracy of this area imposed its will on the reluctant, and sometimes rebellious, South of the highlands and the piedmont. And in the decades following the Civil War, the values of the plantation society were fixed in the states of the lower South by means of distorted legislative apportionment and similar political devices.

The agrarian Black Belt, weakened by a steady outflow of population and the ascendancy of urban industrialization, has made many concessions in the last generation. Nevertheless, in coalition with some urban business and industrial interests, it still exerts a powerful influence on the state

governments of the deep South, and it still clings fiercely to the doctrine of white supremacy. It is not surprising, then, that the most formidable of the existing pro-segregation movements was born in the Mississippi delta.

The first White Citizens' Council was established in Indianola, Mississippi, a few months after the Supreme Court's 1954 school decision. A state headquarters was later opened in Winona, Mississippi, the home of the executive secretary, a young planter named Robert B. Patterson. The movement was extended into surrounding counties through mimeographed mailings and semi-secret meetings. By October 1954 the WCC, organized in some 21 counties, was strong enough to play a significant role in the passage of two state constitutional amendments -- one designed to facilitate disfranchisement of Negro voters, the other aimed at circumventing the Supreme Court rulings.

Today the WCC claims more than 250 chapters in Mississippi, with a membership of 60,000. The organization has also established itself in Black Belt counties of Texas, Arkansas, Alabama, and South Carolina, as well as maintaining close ties with similar organizations elsewhere in the South. In the words of Robert B. Patterson, "In some of the states they go by different names, but we are all seeking the same goal, and that's what counts."

The constituency of this loose federation was defined, at least in part, in the first issue of the WCC's official publication. An introductory editorial announced that subsequent issues would be mailed not only to WCC members in the several states, but also to members of seven other pro-segregation organizations.[2]

[2] Tennessee Society for the Maintenance of Segregation, Tennessee Federation for Constitutional Government, American States Rights Association of Birmingham, Georgia States Rights Council, Patriots of North Carolina, Defenders of State Sovereignty of Virginia, The Virginia League. (The Citizens' Council, Vol. 1, No. 1, October 1955, Jackson, Mississippi.)

The WCC's published statements of purpose have been couched in relatively lofty and generalized phrases. The official slogan, for example, reads: "Dedicated to the maintenance of peace, good order, and domestic tranquility in our Communities and in our State and to the preservation of our State's Rights."

The main object of the WCC's official pronouncements appears to be two-fold: to create an aura of respectability around the movement; and to divest the central organization of responsibility for the utterances and actions of its component groups. Toward the first end, WCC literature has stressed the claim that its leaders are drawn from the "best" people and that its program is essential to the prevention of violence. The leaflet just quoted declares:

> The highest type of leadership has been provided in each community where councils have been formed. We intend to prevent violence, friction and race hatred. We intend to carry out the peaceful relations we have had with our colored citizens....

Even critics of the WCC will concede that many of the leaders of the movement have community status in terms of political influence, economic power, or both. What these critics do not concede is that status of this kind automatically confers respectability on the aims and methods of the movement. As Hodding Carter has commented:

> ...by and large, the men who thus far have led the Councils' movement have standing in their communities. They are, primarily, men with an obsession -- namely, that integration of the public schools means blood integration as well -- and this obsession is shared by many who abhor the Councils. It may be remembered unhappily, that at the outset of the Klan's revival in the '20's, men also gave way to their obsessions, whether about Negro, Catholic or Jew or all three.

Some uneasy recognition of this fact may underlie the WCC's insistence on decentralized responsibility. The literature of the organization

asserts that local councils are independent -- a point that is repeatedly emphasized by spokesmen for the parent Mississippi Association. One WCC official typically disclaimed knowledge of techniques being used with the statement, "You must realize that the Citizens' Council movement is not a closely controlled movement."

The advantages of such vaguely defined lines of responsibility are obvious when one turns to the question of method. Initially, the WCC made no secret of the fact that its chief weapon would be economic pressure. One of the original leaders of the movement, former state senator Fred Jones of Inverness, Mississippi, issued a public statement in October 1954, in which he said:

> We can accomplish our purposes largely with economic pressure in dealing with members of the Negro race who are not cooperating and with members of the white race who fail to cooperate, we can apply social and political pressure.

In the context of the Black Belt, this was little more than a verbalization of the obvious. The livelihood of Negroes in this agricultural area, except for an occasional professional man, has traditionally depended on the good will of white landlords, bankers, merchants, and local officials. This economic dependence has always been a major instrument of social control. For example, it largely accounts for the fact that the counties with the densest Negro populations have few or no Negro voters.

As the WCC spread outside the Mississippi delta, however, the principle of economic coercion drew strong criticism. At an organizing rally in Dallas County, Alabama, one speaker spelled out the principle in this bald language:

> The white population this county controls the money, and this

> is an advantage that the council will use is a fight to legally maintain complete segregation of the races. We intend to make it difficult, if not impossible, for any Negro who advocates desegregation to find and hold a job, get credit or renew a mortgage.

This widely publicized statement was roundly condemned by many newspapers, in the South as well as elsewhere. The Montgomery Advertiser, for example, in an editorial entitled "Economic Lynch Law," declared:

> The manicured Kluxism of these White Citizens' Councils is rash, indecent and vicious.... This ("economic thuggery") is rash because the Negro himself holds a powerful and growing economic power of his own. The merchants, the bankers, the grocery stores and the auto dealers could find that they have grasped a two-edged sword that cuts wickedly in two directions .... What is proposed is indecent and vicious because we find a dominant group standing in the shadows threatening to confiscate the meat, drink, and shelter of dissenters.

Since that time, leaders of the WCC have minimized or disavowed organizational responsibility for economic reprisals. Illustrative was the answer to press queries given by Alston Keith, chairman of the Dallas County WCC, after some 16 Negro signers of an integration petition lost their jobs. Keith declared that the council would not take "credit or censure" for what he called a "spontaneous reaction" to the filing of the petition. But he added, "I don't believe there would have been the unity of action that there was without the educational work of the citizens. They did jut what we have been advocating right along."

More circumspection is displayed by some, as witness this endorsement by South Carolina's Lt. Governor Ernest F. Hollins:

> It is my belief that the Citizens' Councils, by mobilizing the best leadership at the community level, can help to restore decency in government and maintain peace and security for all people, both white and Negro. I am glad that responsible spokesmen for the movement say they do not use organized economic

> pressure as a weapon against anyone.... The organization of pressures is full of dangers.

Whatever degree of direct responsibility may be attributed to the WCC, both economic and social pressures have been widely used against advocates of desegregation. Negro teachers have been discharged, Negro farmers have been denied credit, and Negro merchants have been boycotted by wholesale distributors. In a number of instances, signers of desegregation petitions directed to local school boards have recanted after their names and addresses were published by the newspapers. In a few cases, white persons believed to hold unorthodox racial views have been "advised" by organized groups of their neighbors to move; and a small but growing number of white ministers have lost their pulpits because of their opinions on segregation.

The relatively few publicized incidents of this kind clearly do not measure the full extent of economic and social pressure. Furthermore, "economic lynchings," like the physical lynchings of years past, are intended as object lessons; they are meant not only to penalize the individual victim, but to silence and neutralize other potential dissenters. The effectiveness of this inhibiting function is a matter of speculation, but there is no doubt that a climate of fear and repression is widespread.

It should be noted, however, that the double-edged quality of economic sanctions has been felt in some communities. In Orangeburg, South Carolina, merchants and food distributors who cooperated in the WCC program found themselves boycotted by the Negro students of State College. Reports from other communities in the Black Belt indicate similar declines in Negro patronage of business establishments operated by WCC members. A counter-measure of another sort was the deposit of $250,000 in the Tri-State Bank of Memphis by the NAACP

and other organizations to supply credit to victims of the WCC economic blacklist. The outcome of this economic tug-of war cannot yet be foreseen, but it is apparent that Negroes will not be the only ones to suffer.

Fundamentally, the Southern resistance movement is a desperate rearguard action against the slow but inexorable advance of democratic values. The plantation culture's area of influence has shrunk steadily, until today it clearly dominates only four state governments -- those of Georgia, South Carolina, Mississippi, and Louisiana -- and in most of these states it is not wholly unchallenged. The resulting awareness of threat, from both within and without, has heightened the intolerance of the resistance leaders.

The propaganda of the WCC and related groups advances the segregation dogma with inquistional fierceness. Integration, according to this orthodoxy, is an aim of the Communist conspiracy, designed to bring about "mongrelization" of the races and the consequent collapse of our society. The NAACP and other organizations with like purposes are stigmatized as agents of this vast alien plot. The Supreme Court is vilified as the "political tool" of the conspirators, while the schools and churches are represented as honeycombed by "neo-communist and neo-socialist teachers and preachers."

Indeed, the new resistance doctrine has political implications far transcending the issue of racial segregation. Doubtless for the rank and file adherents Negrophobia is the sole motive force. But the leaders of the movement evidently view the segregation issue as a rallying point for broader purposes. W. J. Simmons, executive secretary of the Jackson, Mississippi, Council, made this revealing statement in an interview with Associated Press reporter Bem Price:

> I think (the WCC) is much more than a white supremacist group and I think it is much more than a protectionist group. I think it is fundamentally the first real stirrings of a conservative revolt in this country, judging by the responses we've gotten from other states.... Some of the people who are attracted to this movement may not be concerned about the Negro. What would be classes as the old white supremacist movement has no place. It is too narrow.

The WCC lays great stress on political participation by its members. Each local council, declares the prospectus, should have a Political and Elections Committee.

> This committee studies candidates for local and state elections and presents their qualifications to the voters. It attempts to get candidates to voice their opinion on vital subjects prior to election. It can reach each voter personally to present the truth on all matters to the people.

The criteria to be applied in judging candidates are not stated. But in the same leaflet appears this suggestive passage:

> The idea now is seemingly to pride ourselves in the fact that everybody in the world should be made equal by law, regardless of aptitude or heritage. The "have nots" must share equally with the "have gots" in this new world order.... This integration scheme ties right in with the new, one world, one creed, one race philosophy fostered by the ultra-idealists and left-wingers.

The political orientation of the resistance leadership emerges even more clearly in the announcement of a new regional organization called the Federation for Constitutional Government. This super-organization lists among its officers the principals of the WCC and its affiliated groups; it also boasts the sponsorship of many of the leaders of the 1948 States Rights or "Dixiecrat" movement, including J. Strom Thurmond and Fielding Wright, who were the presidential and vice-presidential nominees, respectively.

The preservation of segregation is, of course, one of the aims of the new Federation; but this aim is overshadowed by such purposes as "resist-

ing nomination of leftist candidates for president and vice-president and other offices" and "opposing adoption of socialistic (national party) platforms." Plainly, a new political movement is under way, its voting strength hopefully vested in the membership of the WCC and other resistance organizations.

Summary and Conclusion

Any assessment of the Southern resistance movement at this date must be tentative. So far, attempts to implement the several desegregation rulings of the Supreme Court have not reached a decisive stage in the Deep South. Only as litigation is carried to its ultimate conclusion will the effectiveness -- and the dangers -- of the pro-segregation groups be fully measured.

Meanwhile, it is possible to sum up the strengths and weaknesses of the resistance movement as it appears today.

Strengths

(1) In areas of the South with proportionately large Negro populations, white sentiment is overwhelmingly opposed to desegregation. The very real anxieties and fears of the public offer a fertile field for racist exploitation.

(2) Negroes are politically impotent and economically dependent in precisely those areas where their numbers are largest; hence, they are unable to make their full weight as a group felt in the struggle against oppressive measures.

(3) Advocates of extreme pro-segregation views are far more vocal than moderates or liberals; many white Southerners who are opposed to the

resistance groups fear the consequences of speaking out.

(4) Political control of at least four Southern states is in the hands of politicians who are wholly sympathetic with the aims and methods of the resistance groups; the States Rights Council of Georgia, for example, was organized by the governor and other leading office-holders. In four additional states, the resistance groups exert strong, if not always decisive, influence on the legislatures and public officials.

Weaknesses

(1) The once-solid South is solid no more. School desegregation is proceeding apace in such border states as West Virginia and Oklahoma; is under way in parts of Texas, Arkansas, and Kentucky; and appears in prospect in eastern Tennessee and western North Carolina. As the domain of segregation shrinks, the resistance groups' claims on sectional loyalty will be steadily weakened.

(2) The growing Negro vote is gradually but relentlessly eroding the political base of die-hard resistance to racial change.

(3) All of the principal religious bodies active in the South are officially committee to the principle of desegregation. Although opposition to this principle is widespread at the congregational level, church leadership is not likely to recede from its position. As time goes on, more and more clergymen and church people may be expected to challenge segregation on moral grounds.

(4) While the individual Negro in the Black Belt is relatively powerless, Negroes in the mass are capable of formidable economic retaliation. White merchants and businessmen are becoming uncomfortably aware of the potentially disastrous effects of organized boycotts by Negroes.

(5) The ultra-conservative political aims of the resistance leadership may ultimately alienate much of its following. Many rank-and-file members of the WCC are working people whose economic interests conflict with those of the "Dixiecrats," who are generally hostile to organized labor, progressive tax measures, and government programs benefitting low- and middle income groups. This conflict of interests is presently obscured by racial feeling, but it is likely to be recognized in time.

(6) The "respectability" of the WCC is threatened by its affinity with extreme nationalist movements elsewhere. The WCC has admitted distributing the anti-semitic literature published by such groups, with the defense that only the anti-Negro content was considered relevant.

(7) Despite loud public denials, leaders of the resistance movement realize that it can only be a delaying action. No one seriously believes that the Supreme Court's decisions will be reversed or that a handful of states can resist the national policy of desegregation indefinitely. And, although delay might be extended for a long time by determined efforts, the knowledge that defeat is ultimately certain should have an increasingly demoralizing effect on the movement.

In sum, the Southern resistance movement is a foredoomed effort. The question is, how long can it be sustained, and at what cost in human suffering and degradation?

Staff: Look
articles, 1964
(Make 1964 folder if
there is not one)

April 8, 1964

Professor Arnold M. Rose
Department of Sociology
University of Minnesota
Minneapolis, Minnesota

Dear Professor Rose:

I have your recent proposal regarding an article about the Council in next January's Annals. I shall be glad to do it, comforted at this time by your September 1st deadline.

It was very good of you and Mrs. Rose to come out to my house while you were in Atlanta. We enjoyed very much meeting you, and I hope that when you next returnwe can offer better hospitality.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj

THE ANNALS

of The American Academy *of* Political *and* Social Science

3937 CHESTNUT STREET
Philadelphia 4, Penna.

THORSTEN SELLIN, *Editor*
RICHARD D. LAMBERT, *Assistant Editor*

July 3, 1964

Mr. Leslie Dunbar
Southern Regional Council
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Mr. Dunbar:

I am greatly pleased to learn that you have accepted Professor Rose's invitation to prepare an article for the January 1965 issue of The Annals, a volume which should prove to be a real contribution to the subject it covers, considering the high caliber of the contributing authors.

Enclosed you will find a memorandum, which I hope you will read carefully and when the time comes, give it to your secretary to help her in the preparation of the typescript. This will aid us greatly in getting your article ready for the press.

May I call your special attention to the imperative need of observing the deadline of September 1, because shortly after that Professor Rose is leaving for the Far East. Please observe also the word limit set on your article by Professor Rose. I am working on a tight budget and considering the number of articles planned for the volume, any overrun would be embarrassing.

Thank you again for your willingness to participate.

Sincerely yours,

Thorsten Sellin

Thorsten Sellin
Editor

TS:sm

The ANNALS of The American Academy of Political & Social Science

3937 Chestnut Street - Philadelphia 4, Pennsylvania - EVergreen 6-4594

THORSTEN SELLIN, *Editor* RICHARD D. LAMBERT, *Assistant Editor*

MEMORANDUM FOR AUTHORS OF ANNALS ARTICLES

We greatly appreciate your promise to write an article for THE ANNALS. We hope that you will take note of the following suggestions and thereby make it unnecessary for us to pester you later with correspondence.

1. Please keep in mind that you are writing for educated laymen and not for specialists in your field.

2. Please do not exceed the word limit assigned by the editor.

We operate on a tight budget. You will prefer to trim your own article to the length assigned rather than to have us do so.

3. Please observe the deadline strictly.

Our publication schedule allows little leeway. Delays get us in trouble with our printers.

4. Please send us the original typescript.

Carbons smudge too easily. Please keep the carbon for checking with galley proof.

5. Please supply subheads.

We use subheads only to break the monotony of the printed page, *not* as an outline of the article.

6. Please furnish an abstract — not more than 200 words — which we can put at the head of your article. See sample.

We could prepare one but you would prefer your own, which would no doubt be better.

7. Please attach a brief autobiographical note. See sample.

Academic degrees, present position, etc.

8. Please give full name or initials of persons mentioned in your article.

We need this information for our index.

9. Please do not attach a numbered bibliography, or any bibliography.

We do not use the style of referring in the text to bibliographical items placed in a separate and numbered bibliography at the end of an article. It is a practice common in medical and certain other publications. We do not favor it.

10. Please supply the following information in your footnote references:

For books: Author's full name, title of work, place and year of publication, page reference.

For articles: Author's full name, title of article, name of journal, volume number, month and year of publication, specific page reference.

11. Finally, please ask your typist to:

a. Leave wide margins
b. Double-space text, including material quoted
c. Double-space all footnotes.

Thank you!

Reprinted from **The Annals of the American Academy of Political and Social Science,**
Philadelphia, Vol. 350 (November, 1963), p. 25
Printed in U. S. A.

Automation—End or a New Day in Unionism?

By James L. Stern

Abstract: Automation adversely affects unions by changing the nature of work and reducing the solidarity of the work group. Strikes become more difficult to conduct because automation facilitates continued operation by nonbargaining-unit personnel. Organizational efforts are retarded by the changes in occupational characteristics, number, and location of jobs in the various sectors of the economy. Union power is reduced by the erosion of the bargaining unit caused by the creation of the increased number of technical jobs outside of the traditional unit. Automation enables corporations to extend their boundaries across industry lines while political considerations presently prevent the unions from revising their structure to match the increased corporate power at the bargaining table. Although all of these considerations make the task of the union more difficult, none of these pose insurmountable problems. A reorientation of union program and function in line with the changes in work, in occupational characteristics, and in the background and attitudes of new young potential members is possible. Solidarity may be rebuilt upon common vocational interests in the establishment of nationally recognized training programs for the new technical occupations. Declining effectiveness of strikes may be offset by increasing effectiveness of political activity to achieve union goals.

James L. Stern, Ph.D., Madison, Wisconsin, is Professor of Economics and Labor Education in the Department of Economics and School for Workers of the University of Wisconsin. He previously worked for the United Auto Workers Union and for the Economic Cooperation Administration on productivity and collective-bargaining problems and on the impact of technological change. He served as a consultant to the Automation Subcommittee of the President's Labor-Management Advisory Committee and has written numerous articles on automation.

LWD
MT - file

THE ANNALS

of The American Academy of Political and Social Science

3937 CHESTNUT STREET

PHILADELPHIA, PA. 19104

THORSTEN SELLIN, *Editor*

MARVIN E. WOLFGANG, *Acting Associate Editor*

September 9, 1964

Mrs. Mildred M. Johnson
Secretary to the Director
Southern Regional Council, Inc.
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Mrs. Johnson:

Thank you for your letter of September 8 to Dr. Sellin, who is out of town until September 16. I am sure that under the circumstances Dr. Sellin will extend Mr. Dunbar's deadline, especially since the original deadline of September 1 was set because Dr. Rose is leaving for Asia on the fourteenth. You will be hearing from Dr. Sellin as soon as he returns as to the date by which the manuscript should be mailed directly to this office.

We appreciate your letting us know about the matter.

Sincerely yours,

Shirley B. Murray

Shirley B. Murray
Editorial Assistant

VIA AIR MAIL

September 8, 1964

Mr. Thorsten Sellin
Editor
The Annals
American Academy of Political and Social
Science
3937 Chestnut Street
Philadelphia 4, Pennsylvania

Dear Mr. Sellin:

You have probably been expecting to hear from Mr. Dunbar regarding the article he is doing for The Annals. This is to let you know that he is in the hospital for a short while, and cannot promise the article for the January issue before September 20. Would you please let me know, as soon as possible, whether this will be satisfactory to you, or if you still want Mr. Dunbar to submit his piece at all.

Sincerely yours,

(Mrs.) Mildred M. Johnson
Secretary to the Director

MMJ

Rec'd 9/18/64

Sub-file

THE ANNALS

of The American Academy of Political and Social Science

3937 CHESTNUT STREET

PHILADELPHIA, PA. 19104

THORSTEN SELLIN, *Editor*

MARVIN E. WOLFGANG, *Acting Associate Editor*

September 16, 1964

Mrs. Mildred M. Johnson
Secretary to the Director
Southern Regional Council, Inc.
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Mrs. Johnson:

I have seen your letter of September 8. I am sorry to hear that Mr. Dunbar has been hospitalized. It will be quite all right for him to send us his article in a couple of weeks.

Sincerely yours,

Thorsten Sellin

Thorsten Sellin
Editor

TS:sm

THE ANNALS

of The American Academy of Political and Social Science

3937 CHESTNUT STREET

PHILADELPHIA 4, PA.

THORSTEN SELLIN, *Editor*

MARVIN E. WOLFGANG, *Assistant Editor*

file

September 24, 1964

Mr. Leslie Dunbar
Southern Regional Council
5 Forsyth St. N.W.
Atlanta 3, Georgia

Dear Mr. Dunbar:

Professor Arnold Rose, who is now on his way to distant lands, has asked me to remind you that the article that you promise to prepare for The Annals volume he is editing is now due. It can be sent directly to me. I look forward to seeing it because of the intrinsic interest of the topic with which you are dealing and because the volume as a whole promises to be an outstanding contribution to the literature concerning the Negro protest.

Sincerely yours,

Thorsten Sellin

Thorsten Sellin
Editor

XERO COPY

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Southern Regional Council, Inc.
5 FORSYTH STREET, N. W. ATLANTA 3, GEORGIA
Telephone 2-8764

A Council to attain the ideals and practices of equal opportunity for all peoples in the South

September 25, 1964

MEMO TO: The Executive Committee
FROM : Leslie W. Dunbar
RE : Suggested Topic for Discussion on September 30, 1964

A very strong attempt is being made for the Executive Committee meeting to minimize the business issues that come before you so that there can be more discussion of program. Ray Wheeler shares my hope that this can be done, not only at the meeting this coming week but frequently.

At the meeting on September 30, one business item which must be taken up is the approval of grant-in-aid allocations to the State Councils. It seemed, therefore, fitting to Ray and me that the Committee give concentrated discussion at this time to the whole area of the State Council program. You can expect therefore, for most of the meeting on September 30 to be given to the review of this most important activity.

I am enclosing two documents which may prove useful as background material: perhaps you will be able to read them on the train or plane coming in.

The mimeographed document is self-explanatory, and contains very important recommendations. These are not before you at this time for action, but which certainly should deepen your discussion.

The Xeroxed item is a manuscript I have written at the request of The Annals of The American Academy of Political and Social Science. The Annals is doing an issue on civil rights movement and is including in it a short sketch written by the staff head of various agencies about the strategies of their agencies.

It occurred to me that what I have tried to put down in this brief article might help supply a framework for your discussion of the State Councils.

Enclosures

September 25, 1964

THE SOUTHERN REGIONAL COUNCIL

The Southern Regional Council, 20 years old in 1964 and successor organization to the old Commission on Interracial Cooperation begun in 1919, has been an indigenous strand of southern history. In some measure, which others must estimate, it has also helped shape that history. Contrary to the view widely held, a concern for racial justice and democracy has always been an element of the southern tradition, and even when ineffective and hard pressed was never altogether extinguished among the region's whites. The Council has embodied and increased this element, deriving strength and opportunities from its growth, shortcomings from its vicissitudes.

The Council was formed during the War years, at one of those occasional moments in the region's history when there was a widespread opening of the mind of the white South to a disposition toward, and even a hope for, change. Indeed, without this happy climate the Council would not, perhaps could not, have been established. But a large part of the Council's difficulties since had their origin in the same happy fact. For the Council was intended by its founders to be a body of commanding regional stature and authority; indeed, the prominence of a large number of the 292 white persons who signed the "Atlanta Statement" of 1943 promised that it would be. This founding assumption withered quickly, however, as the liberal moment passed and prestigious names deserted the infant they had helped birth, and as over the South Negroes turned to the more immediately productive leadership of the NAACP lawyers to advance their cause. When the Council in 1951 took an explicit and public stand against segregation, many (but not all!) remaining whites of power quietly departed. In the last few years, there has been a return, not of the same persons of course but of new men of prominence, and the white side of Council membership again approximates in distinction the Negro membership.

If it may seem passing strange for an employee of the Council to write in these detached terms of it, the explanation is at once both simple and basic. For the Council, as was said before, is a part of the South's history, and one

must look at it not only with love but with realism. The Council never had nor has a realistic chance to be anything more than the South at its best. It can never exceed (though of course it can fall short of) its environment of men and ideals and intelligence.

The intellectual midwife of the Southern Regional Council was Howard W. Odum, who saw in its creation the possibility of an immense catalyst furthering his dream of regional development. True to Odum's view that the racial relations of the South could not be changed and perfected by a frontal assault, but only by encountering and solving them in the context of the other political, social, educational, and economic problems of the region, the Council set out in its early days with all these interests. Very soon, however, its program focused on race, and has stayed there. Odum's great strategy was artificial; race so undercuts and overhangs every southern problem that none can be rationally treated without first wresting it from enslavement to a debilitating system of race relations. Somewhat paradoxically, Odum's strategy may now, 20 years later, be the road for continued usefulness of the Council.

Again, this is said with the detachment that sees the Council not merely as an organization to which one has grown deeply attached and identified, but as the representative of liberalism in the southern region. The civil rights movement will have overcome the old race relations of the South for but unsatisfying results if the same energy and intelligence are not soon addressed to making the political, social, and economic life of the region (and the nation) adequately responsive to the needs of the newly emancipated people; this is to say that emphasis must shift from the cultivation of human relations to the cultivation of human resources.

Even in the boldness of its first days, the Council proposed as its methods research, information, and interracial dialogue. Essentially, these are still the methods. Especially since 1951, when the Council publicized its stand against segregation, its research and information work has been faced with an interesting challenge. Thoroughly committed to one side of the era's most bitter controversy, the Council has nevertheless claimed objectivity and factual accuracy for its research publications and information services. Combining partisan commitment and objectivity is sufficiently rare as to be a delight for those who attempt it, and the steady growth of attention to the Council's publications and the rather

dizzying increase of demand on its information services suggest that the attempt has not failed.

Early publications of the Council had an impressive circulation. Among them, such pamphlets as The South: America's Opportunity Number One (1945), Rupert B. Vance, Wanted: The South's Future for the Nation, with an introduction by Governor Ellis Arnall of Georgia (1946), and Dorothy Dickens, Wanted: A Healthy South (1946) reveal something of the initial thrust of the Council. Among the many publications of this pre-1954 period another which had wide attention and direct influence on southern practices was Race in the News (1950). The Council has always had a basic interest in limitations on suffrage, and has reported and commented frequently; two pamphlets in particular, released in 1957 and 1959 and both by Margaret Price, had substantial impact on the legislative history of the civil rights acts. The Federal Executive and Civil Rights (1961) received similar careful attention by the in-coming Kennedy administration. George McMillan's, Racial Violence and Law Enforcement (1960) has been widely used in southern police training. Vivian W. Henderson, The Economic Status of Negroes (1963), and Robert Coles The Desegregation of Southern Schools: A Psychiatric Study (1963) offered light and bearing on basic issues. Many of the Council's recent publications have sought to interpret confused events to a perplexed but deeply concerned nation: an example of these was Howard Zinn's, Albany: A Study in National Responsibility (1962). With caution, SRC has ventured into the book field: to date, there have been Benjamin Muse, Virginia's Massive Resistance (Indiana University Press, 1961); Muse, Ten Years of Prelude (Viking, 1964); and James McBride Dabbs, Who Speaks For the South? (Funk & Wagnalls, 1964). Through the years, a monthly magazine, New South, has come out.

In 1954, the Council ceased being a membership organization in the usual sense. Originally, it had absorbed and maintained several state groups created under the guidance of its predecessor, the old Commission. Now it was to decentralize, establishing in the various southern states Councils on Human Relations, to which all membership was transferred and which, about 1957, became legally autonomous bodies. The Southern Regional Council is now a co-optative body of about 100 members. Between it and the state Councils on Human Relations the relationship that has developed is somewhat like that between parents and their adult children: as intimate as

desired, but not binding. The state councils are an expression of the "grass roots" philosophy of one of my predecessors, the late and much beloved Dr. George S. Mitchell. They, and their many locals, give strength, outreach, and a capacity for local attentiveness and action. It is within them that the old, and still firmly held, belief in the essentiality of inter-racial contact and dialogue and cooperative action on real problems is today largely expressed.

The present structure has had the unintended beneficial consequence too that, freed from the exigencies of a mass membership, SRC has during these years of tension been able to move, usually quietly but generally freely and effectively (one believes), in field work of many kinds. There have also been unending consultations with people well outside the orbit of the civil rights movement; during these years, the much lamented breakdown of communication between the races has not been nearly so real as that between the white South and the rest of the nation, and SRC has been one of the few open transmission lines.

A not so beneficial consequence has been that the new structure almost inevitably yielded, as a by-product, a heavily staff-oriented operation for SRC. This has enabled SRC to develop an unusual degree of flexibility of program and versatile staff skills; but surely long run interests, not only of the organization but of the liberalism which it expresses for the South, require that the SRC lay membership ("the board") resume active policy direction. Or, to put it differently, in the days of "massive resistance", when only defense strategies were possible, they were probably best left to the professionals; in the fluid and progressive present, lay leadership all over the South must assert itself in behalf of the new opportunities.

This is not to say that the "board" is idle. Its members comprise a very large chunk of the progressive leadership of the South, active in all fields of struggle and reform. But for the most part the conspicuous leadership they supply in outside the program activities of the Council itself. They greatly strengthen that program, however, and not only by the weight of their names. At least as important is the base they give to SRC's strategic contacts and influences throughout the region, and the deeper dimensions they give to the staff's understanding of events and policies by their frequent informal reports.

There seems to be a growing intellectual awareness throughout the nation that some measure of conflict, even a large one at times, is indispensable to social reform. Yet concurrently, we have the emergence and grwoth of the new profession of "intergroup relations," which has always, even though sometimes unacknowledged, the aim of minimizing if not preventing conflict, and of containing it whenever loosed. Another paradox is that the most radical wing of the civil rights movement has a thorough intellectual devotion(almost obsession) to a fuzzy "power structure" theory of social control and change, surely almost the purest of conservative theories.

Undoubtedly a good bit of SRC's work, both in the field and at the writing desk, in the decade since 1954 has sought to minimize conflict and to reach the "power structure." More in keeping with the founding vision of SRC has been the program which since early 1962 has been its largest; that is, the administration of the Voter Education Project. Here is a combined effort by all the principal civil right groups and many local Negro organizations to increase voter registration dramatically and, in decisive places, decisively. The Project, which will close its field work in late 1964, promises to telescope into a couple of years the voting growth which by normal trends would have taken a decade or more. Voting is no panacea and registration even less so; but without them there is no progress at all.

From the Project, SRC will draw and publish research findings, directed at the question of the effectiveness of organized activity to counter-balance depressing socio-economic conditions. But for the present, the Project can illustrate another facet of the SRC program. Only because SRC is a non-competitive and generally trusted agency has it been able to administer the Voter Education Project. In other ways too numerous to list, a great deal of SRC's activities involve cooperation with other agencies.

As the Voter Education Project is loyal to SRC's founding hopes, so too is the state Council on Human Relations movement. The ties between the state groups and SRC are today drawing steadily closer, and nearly everywhere the state groups and their local chapters are stronger than they have ever been. How they may prosper in the future depends chiefly on two questions. Can they shift from being defensive bands, waging a brave fight against hostile racists,

to the role of creative artisans, contributing to an intelligent and humane cultivation of all the human resources of the region? Will white and Negro liberals of the South continue to find a bi-racial association a valued instrument for achieving their interests?

SRC's own future depends also on these same questions. We shall have the rule of civil rights in the South, but only the bold would today predict whether we shall also have an integrated social order. We stand a better chance of building one if Negroes and whites continue to believe that it is worthwhile to join and work with each other, with a candor which embraces their separate identities and their common interests. The Council has taken pride in being a useful organization, free of restraining strategies and versatile enough to meet many issues. For the future, how the Council may evolve depends, as it always has, on the configuration of southern society.

September 25, 1964

Mr. Thorsten Sellin
Editor
The Annals of The American
Academy of Political and Social Science
3937 Chestnut Street
Philadelphia, Pa. 19104

Dear Mr. Sellin:

My article on SRC is enclosed, and I hope you will find it satisfactory for your pruposes.

Thank you very much for your kind letter of September 16.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD:nm
Enclosure

October 23, 1964

Miss Shirley B. Murray
Editorial Assistant
The Annals
American Academy of Political and
Social Science
3937 Chestnut Street
Philadelphia, Pennsylvania

Dear Miss Murray:

In reply to your letter of September 28, I am enclosing a biography for Mr. Dunbar, and an abstract of his article which will appear in a forthcoming issue of The Annals.

Sincerely yours,

(Mrs.) Mildred M. Johnson
Secretary to the Director

MMJ
Enclosures - 2.

B.C.C. Fred Routh

November 30, 1964

Mr. James C. Charlesworth
President
The American Academy of Political and
Social Science
3937 Chestnut Street
Philadelphia 4, Pennsylvania

Dear Mr. Charlesworth:

Thank you for your letter of November 16. My contribution to the January issue is a very small one. I am sure that the issue will be a most distinguished one, and I look forward to reading it.

Rather than attempt to supply the names and organizations you ask about, I would suggest you address much the same query to Frederick B. Routh, Executive Director of the National Association of Intergroup Relations Officials, at 2027 Massachusetts Avenue, N. W., Washington 6. I dislike troubling you to write another letter, but I really think Fred is in the best of all positions to help in promoting the issue.

With best regards,

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD:slw

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November 16, 1964

Dr. Leslie W. Dunbar
Executive Director
Southern Regional Council
5 Forsyth Street, N.W.
Atlanta 3, Georgia

Dear Dr. Dunbar:

May I take this opportunity to express the appreciation of The American Academy to you as editor of the January 1965 issue of THE ANNALS. We are particularly grateful for the way in which the material was organized, and the promptness with which the work schedule was executed.

Because you have contributed your time and efforts in making this volume possible, I am now writing to seek your further assistance in suggesting ways in which the issue can be publicized so that it may reach the widest audience. We believe you can help to promote the volume by indicating the names of organizations whose members may be particularly interested in its contents. You may also wish to list for us names of specific individuals who would like to know of this volume and be invited to membership in The Academy. Or perhaps you know where the volume might be used as required or supplementary reading in colleges and other educational institutions. A very considerable number of issues of THE ANNALS are used, and we have each year a sale of some thousands of copies of back issues, some of which are used in this way.

Let me thank you in advance for your suggestions, and also express again our appreciation for your contribution.

Very sincerely yours,

J C Charlesworth

James C. Charlesworth
President

JCC/dm

Recd 12/7/64

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file

December 4, 1964

Dr. Leslie W. Dunbar, Executive Director
Southern Regional Council
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Dr. Dunbar:

Thanks very much for your suggestion concerning Frederick B. Routh. We shall write to him forthwith.

Very sincerely yours,

James C. Charlesworth
President

jcc/jdr

Rec 9/29/64

THE ANNALS

of The American Academy of Political and Social Science

3937 CHESTNUT STREET
PHILADELPHIA, PA. 19104

THORSTEN SELLIN, *Editor*
MARVIN E. WOLFGANG, *Acting Associate Editor*

September 28, 1964

Mr. Leslie W. Dunbar
Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Mr. Dunbar:

Thank you for sending your article for the November 1964 issue of The Annals. I must apologize for the fact that you were sent a reminder about the article through a clerical error. Dr. Sellin has asked me to inquire whether you can send us a biography and abstract. I am enclosing a sample of the usual Annals title page.

Sincerely yours,

Shirley B. Murray

Shirley B. Murray
Editorial Assistant

1 enclosure

Reprinted from **The Annals of the American Academy of Political and Social Science,**
Philadelphia, Vol. 353 (May, 1964), p. 72
Printed in U. S. A.

Metropolitics and Professional Political Leadership: The Case of Nashville

By Daniel R. Grant

Abstract: Adoption of a single metropolitan government for Nashville and Davidson County in 1962, at a time when many metro reform proposals have been rejected elsewhere, provides an opportunity to examine the role of professional political leaders in its formulation and adoption. Thirty years of Nashville suburban spillover without annexation led to the familiar pattern of a service vacuum, inequalities, rivalries, and confused responsibility. During the 1950's, two surveys by professional staffs, working closely with the Nashville mayor and a rival Davidson County judge, led to a proposal for major structural change (city-county consolidation) which was endorsed by both the mayor and the judge. Their support was undoubtedly helpful in the 1958 metro campaign, but it was rejected by the voters outside Nashville. Two windfall issues —annexation and an auto tax—and the opposition of the Nashville mayor contributed to a new and successful metro vote in 1962. The Nashville experience indicates that active involvement of rival professional political leaders in all stages of a metro reform movement is possible, it not necessarily a kiss of death, does not prevent "radical reform," and may actually constitute a tactical advantage for metropolitan reformers.

Daniel R. Grant, Ph.D., Nashville, Tennessee, is Professor of Political Science at Vanderbilt University. He served as consultant for the Nashville and Davidson County Planning Commissions in the formulation of the "Plan of Metropolitan Government" adopted in 1962 and is consultant for the U. S. Advisory Commission on Intergovernmental Relations. In 1958–1959 he was Visiting Professor of Municipal Government and Planning at the Institute of Public Administration, Thammasat University, Bangkok, Thailand. He is coauthor with H. C. Nixon of State and Local Government in America (1963), coauthor with Victor Jones and others of Metropolitan Surveys: A Digest (1958), coauthor with Lee S. Greene of Metropolitan Harris County (1957), and author of articles in various journals.

Recd 1/27/65

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File

January 25, 1965

Dr. Leslie W. Dunbar
Executive Director
Southern Regional Council
5 Forsyth Street
Atlanta 3, Georgia

Dear Dr. Dunbar:

The January volume should be in your hands by now. I wish to seize the opportunity, therefore, to tell you how greatly we appreciate your help in making the volume a fine symposium.

Sincerely yours,

Thorsten Sellin

Thorsten Sellin
Editor

TS:dcm

CROSS REFERENCE SHEET

NAME OR SUBJECT:

AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE

REGARDING:

This is an article for the January 1965 issue of Annals of the American Academy of Political and Socail Science

DATE

For - January, 1965.

(SEE)

NAME OR SUBJECT:

LWD - Articles, 1964.

File Staff-Lund articles, 1964

Outline of the JANUARY 1965 volume of
THE ANNALS of The American Academy of
Political and Social Science
THE NEGRO PROTEST
Professor ARNOLD M. ROSE, Special Editor

A. The Historical Context of the Present

1. The American Negro Problem in the Context of Social Change--
The forces of social change as they affect the position of the American Negro today. Analysis of historical trends creating the present problem.

2. The Rise of the Negro Protest--
The history of the Negro protest and of "race pride" from slave songs to Muslim movement. The slowness of social change when it means discrimination, insult, and danger. The Negro's historic goals.

B. Specific Conditions and Problems

1. Protest against the economic status of the Negro. The economic opportunities and the economic obstacles, North and South.

2. Protest against the political status of the Negro. Extent of voting and obstacles to voting, North and South.

3. Protest against the legal status of the Negro. Lawlessness and the Negro: failure of Southern law-enforcement authorities to provide protection for law-abiding Negroes.

4. Protest against segregation of the Negro in the South. In governmental facilities, outside schools, and in privately owned public accommodations.

5. The protest against housing segregation. What housing segregation means to the Negro, North and South.

6. The protest against school segregation. What effects school segregation have on the Negro child. The nature of school segregation, North and South. The protest movement.

C. Forces of Change Abetting the Negro Protest

1. Economic forces. Industrialization, urbanization, prosperity, "modern" business attitudes, etc., and how they aid the Negro protest.

2. Governmental action: legislative, executive, and judicial. How government action aids the Negro protest and expresses it.

3. Ideological forces. The ideology of the American Creed, of the Christian religion, of Marxism and anti-Marxism, etc., in the United States and how they aid the Negro protest.

4. The new international setting for the American Negro problem. How the rise of independent African nations aids the American Negro protest.

D. Different Means to the Goal

1. The NAACP and Its Strategy

2. The Urban League and Its Strategy

3. The Southern Regional Council and Its Strategy

4. The Congress of Racial Equality and Its Strategy

5. The Southern Christian Leadership Conference and Its Strategy

6. The Student Nonviolent Coordinating Committee and Its Strategy

March 18, 1965

Miss Shirley B. Murray
Editorial Assistant
The Annals, American Academy of
Political and Social Science
3937 Chestnut Street
Philadelphia, Pa. 19104

Dear Miss Murray:

We have not received the 500 copies of a reprint of the article on the Southern Regional Council which appeared in the January issue of The Annals. Mr. Dunbar filled in a printed blank requesting the reprints, and to the best of his recollection, this was some time in October, or early November. We are wondering if the order got misplaced, and if it is still possible for us to receive the 500 copies.

Sincerely yours,

Montez G. Albright (Mrs.)
Research Associate

LWD

THE ANNALS

of The American Academy of Political and Social Science

3937 CHESTNUT STREET
PHILADELPHIA, PA. 19104

THORSTEN SELLIN, *Editor*
MARVIN E. WOLFGANG, *Acting Associate Editor*

March 19, 1965

Mrs. Montez G. Albright
Research Associate
Southern Regional Council, Inc.
5 Forsyth Street
Atlanta 3, Georgia

Dear Mrs. Albright:

Thank you for your letter of March 18. The reprints for articles of Annals volumes are mailed directly from the Lancaster Press. Therefore, I have forwarded your letter to Mr. Robert H. Mann of the Lancaster Press, who will be able to answer your question.

Sincerely yours,

Shirley B. Murray

Shirley B. Murray
Editorial Assistant

sm
[redacted]

LWDr
AAPS file

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please file w/ other letters re this

March 22, 1965

file ANNALS Pol. & Soc. Science

Mrs. Montez G. Albright
Research Associate
Southern Regional Council, Inc.
5 Forsyth St., N. W.
Atlanta 3, Ga.

Dear Mrs. Albright:

In response to a request from THE ANNALS, we checked into the situation concerning reprints of the Dunbar article from January ANNALS OF POL. & SOC. SCI. The order was processed and finally shipped on March 15 by parcel post.

Please advise if the reprints do not arrive within a reasonable time.

Very sincerely yours,

LANCASTER PRESS, INC.

Jack A. Mutschler

Jack A. Mutschler

JAM/rm

Department of Sociology
University of Minnesota
Minneapolis, Minnesota 55455

Mr. Leslie Dunbar
Southern Regional Council
5 Forsyth Street N. W.
Atlanta, Georgia

Dear Mr. Dunbar:

I have been asked to edit a special issue of the Annals of the American Academy of Political and Social Science on the topic "The Negro Protest". I am sure you are familiar with the Annals, which has been published continuously since 1890 and has come to be one of the most distinguished of social science journals. The Academy's membership, who provide the bulk of the regular subscribers to the Annals, is international in scope and now consists of over 12,000 professional persons, businessmen, community leaders, legislators, college professors. There are also 4,000 library subscriptions.

As editor, my first task is to select a limited number of experts on the topic who can prepare scholarly and clearly written articles. For this reason, I am inviting you to contribute an article on the specific subject of The Southern Regional Council and its Strategy, which is D. 3 in the enclosed outline. The title can be changed at your pleasure, but -- unless you recommend something else that would fit into my outline -- you would be expected to write on this subject. Articles should be around 2,000 words (including tables and diagrams). The style of writing should be straightforward and should avoid jargon, so that the volume can be read with profit by the educated layman. The deadline for all articles is September 1, 1964 (the issue will be distributed in January, 1965).

The Annals operates on a non-profit basis, and all proceeds go into the publication. Thus, there are no honoraria to the authors or editors. I trust you will find the opportunity to contribute to such a distinguished and influential journal its own reward. Authors are entitled to eleven copies (one clothbound) of the issue in which their articles appear (an order form will be sent to you).

Please let me know very soon whether you can write the article.

Sincerely yours,

Arnold M. Rose

Arnold M. Rose
Professor

January 8, 1959

Mr. William G. Shannon
1785 Massachusetts Avenue, N. W.
Washington, D. C.

Dear Bill:

Thanks for your recent letter giving me your new address in Washington. I am sorry to see you leave the Encampment For Citizenship but believe you can make a real contribution in your new position. After the job shakes down how about dropping me a note and letting me know how it goes?

I am enclosing a copy of a letter to Al Black offering our continued cooperation with the Encampment.

Best wishes on the new job.

Cordially,

Frederick B. Routh
Assistant Director

FBR:ls

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Field Director

December 18, 1958

Dear Fred,

As you know, a change in my position made it impossible for me to attend the NAIRO meeting in Pittsburgh. I hope you met Ed Boyd and had a chance to talk to him. Although I have already taken up my new duties with the American Association of Junior Colleges, I left a few letters behind, saying goodbye to old friends.

Mr. Algernon D. Black will be Acting Director for a short time, and I am sure will be very happy to hear from you about any ideas you may have for selecting students for the 1959 Encampments through the Southern Regional Council. Last summer we did have two students, one Bill Barnette from North Carolina and Lorraine Rousseve from Louisiana. Both ably represented your organization and we feel sure were strengthened by their experience. We all hope we will have your continued cooperation in the selection and sponsoring of students.

I do hope that I will be able to keep in touch with you and your fine work as time goes on. If you have a chance when you next visit Washington, I hope you will drop in at my new location at 1785 Massachusetts Ave., N.W, Washington, D.C. It has been a fine pleasure to have worked through your office and with you, and I hope that we will continue our association, limited as it has been, in the future.

cc Black's letter.

With best wishes for a happy holiday season,

Sincerely,

Bill

~~William~~ G Shannon

William G. Shannon

Mr. Frederick Routh
Room 423
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

ENCAMPMENT FOR CITIZENSHIP
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P.S. Do you have a new listing of your organizations to whom we might send material, as in the past?

Thanks.

Bill

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January 14, 1959

Mr. Frederick B. Routh
Assistant Director
Southern Regional Council, Inc.
Room 432
63 Auburn Avenue, Northeast
Atlanta 3, Georgia

Dear Fred:

I too hope that we shall keep in touch with one another as time goes on to keep informed about our respective work and to see if at any point our paths might cross again. If you have any college-related programs on your book I hope that you will give consideration to junior colleges. As you may have already gathered there is a great deal of work to be done in the whole field of college education and particularly in the field of the junior colleges with regard to academic freedoms, civil liberties, etc.

When you next get to Washington I hope you'll have a chance to drop in at the office here for a chat or for a luncheon date.

I have just received a letter from Al Black indicating that Saal Lesser has been selected to succeed me as Executive Director of the Encampment. You can be assured of continued close cooperation with NAIRO.

As I become more involved and acquainted with the work here I'll get in touch with you again to see if there is any project that we might want to work out together. I greatly appreciate all that you did in the Emcampment work and I sincerely hope that you will continue along the same lines.

With best personal regards,

Sincerely,

Bill

William G. Shannon
Assistant Executive Director

WGS:mt

File

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS
1785 MASSACHUSETTS AVENUE, N. W.
WASHINGTON 6, D. C.

HELEN C. WHITE, *President*
University of Wisconsin
JAMES HOLLADAY, *First Vice-President*
University of Alabama
JOHN W. CAUGHEY, *Second Vice-President*
University of California at Los Angeles

RICHARD N. OWENS, *Treasurer*
George Washington University
RALPH F. FUCHS, *Counsel*
Indiana University

WASHINGTON OFFICE
ROBERT K. CARR, *General Secretary*
GEORGE POPE SHANNON, *Associate Secretary*
WARREN C. MIDDLETON, *Staff Associate*
WILLIAM P. FIDLER, *Staff Associate*
BERTRAM H. DAVIS, *Staff Associate*

February 28, 1958

Mr. Harold C. Fleming
Executive Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N. E.
Atlanta, Georgia

Dear Mr. Fleming:

Thank you for sending me a copy of the 1957 Annual Report of the Southern Regional Council. The summary of Council activity and the statements expressing the points of view of the Council are developed with dignity, vigor, and good judgment. I shall be pleased to receive copies of other publications which the Council issues.

Sincerely yours,

William P. Fidler

William P. Fidler

WPF:hmc

April 21, 1958

Dr. Robert K. Carr, General Secretary
American Association of University Professors
1785 Massachusetts Avenue, N.W.
Washington 6, D.C.

Dear Bob:

As you probably know we reprinted Joe Margolis' article in New South, after receiving permission from the AAUP Bulletin and from Joe. I don't know that his leaving the University of South Carolina is in any way connected with having published the article, but since it originally appeared in the Bulletin I should think the Association would have a high priority interest in ascertaining the facts in the situation.

I have sent a copy of this to Glenn Brooks at the Committee on Government and Higher Education.

Mrs. Tilly, who was on President Truman's Civil Rights Committee and is now in charge of women's work for the Southern Regional Council, sends you her best regards.

All good wishes.

Cordially,

Frederick B. Routh
Assistant Director

(Dictated by Mr. Routh, but signed in his absence)

Enclosures.
FBR:fcl

HCF ✓
JC ✓
PAL
MET

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

1785 MASSACHUSETTS AVENUE, N. W.
WASHINGTON 6, D. C.

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WILLIAM P. FIDLER, *Staff Associate*
BERTRAM H. DAVIS, *Staff Associate*

MF & file

May 14, 1958

Mr. Frederick B. Routh, Assistant Director
Southern Regional Council, Inc.
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Mr. Routh:

Professor Margolis has requested the American Association of University Professors to intervene in his case and we are at the present time in correspondence with him to determine whether he wants us to communicate with the administrative officers of the University of South Carolina at this time. Since Mr. Margolis is on a term appointment at the University of South Carolina it may be difficult for the Association to document a charge that the non-renewal of his contract is being influenced by the AAUP Bulletin article or by his views on the race issue. If we do go ahead with a formal investigation in the case we shall need every bit of evidence that we can find to show that improper considerations are influencing the University's decision.

I appreciate your concern about this matter and will keep you informed about further developments.

Sincerely yours,

Robert K. Carr

Robert K. Carr

RKC:leb

June 17, 1958

Mr. Robert Carr
General Secretary, AAUP
1785 Massachusetts Avenue, N. W.
Washington 6, D. C.

Dear Bob:

I am enclosing an editorial from the Charlotte Observer. It would seem to me that the association should be alert to what is happening at L. S. U. I am certain that the association is already on the job in this case, but hope this will further strengthen your determination to see this thing through.

All good wishes.

Cordially,

Frederick B. Routh
Assistant Director

FBR:ls
Enclosure: reprint from Charlotte Observer

July 21,1958

Mr. Robert K. Carr
American Association of
University Professors
1785 Massachusetts Avenue, N. W.
Washington 6, D. C.

Dear Bob:

Thanks for your letter of June 19 in reply to my letter about developments at LSU. I am sure you are aware that the state legislature has now ordered investigations of "pro-integration sentiment" at nine state colleges. This appears to me as direct interference with academic freedom.

I note in your letter that the Association is not planning any intervention or inquiry unless "things take a turn for the worse". I trust that the addition of eight schools to the inquisitors lists is regarded as a sufficient worsening of conditions that the Association will now take action.

Best personal regards.

Cordially,

Frederick B. Routh
Assistant Director

FBR:ls

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS
1785 MASSACHUSETTS AVENUE, N. W.
WASHINGTON 6, D. C.

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WILLIAM P. FIDLER, *Staff Associate*
BERTRAM H. DAVIS, *Staff Associate*

June 19, 1958

Mr. Frederick B. Routh
Assistant Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Fred:

Thank you for your letter of June 17 calling our attention to developments at Louisiana State University and enclosing an editorial from the Charlotte Observer. As you have guessed, we are in close touch with the situation and are trying to watch developments carefully. Acting upon the advice of our chapter officers at L.S.U., for the moment we are not planning any intervention or inquiry, but we shall certainly try to move rapidly if things take a turn for the worse.

Sincerely yours,

Robert K. Carr

Robert K. Carr

RKC:bmcg

FBR.
F/F
Please return

September 16, 1958

Mr. William P. Fidler
American Association of University Professors
1785 Massachusetts Ave., N. W.
Washington 6, D. C.

Dear Mr. Fidler:

Thanks for your letter informing us of the impressive activities of the AAUP in the LSU affair. We are warm admirers of the AAUP and would like to be helpful in any way we can.

The SRC staff member who wrote you was Fred Routh. I have shared your letter and enclosure with him.

Cordially,

Harold C. Fleming
Executive Director

HCF/hs

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS
1785 MASSACHUSETTS AVENUE, N. W.
WASHINGTON 6, D. C.

BENTLEY GLASS, *President*
The Johns Hopkins University
WARREN TAYLOR, *First Vice-President*
Oberlin College
GLENN R. MORROW, *Second Vice-President*
University of Pennsylvania

RICHARD N. OWENS, *Treasurer*
George Washington University
RALPH F. FUCHS, *Counsel*
Indiana University

WASHINGTON OFFICE
WILLIAM P. FIDLER, *General Secretary*
WARREN C. MIDDLETON, *Staff Associate*
BERTRAM H. DAVIS, *Staff Associate*
LOUIS JOUGHIN, *Staff Associate*

September 10, 1958

Mr. Harold C. Fleming
Executive Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Mr. Fleming:

Upon my return from vacation in August, I saw a letter from a member of your staff to this Association in reference to our concern in the projected legislative investigation of faculty members at Louisiana State University. Unfortunately, the letter has been misplaced, and I sincerely apologize for using this tardy and indirect method of reply.

As I recall, the staff member who wrote us was under the impression that this Association had taken no action in the affair at LSU. On the contrary, I telephoned one of our Chapter officers at LSU within a few hours after I read newspaper accounts of the difficulty. During the ensuing weeks, when the legislative committee was making its plans to investigate, I was in almost daily contact with faculty members at LSU and Tulane University, requesting their advice about the most appropriate action for the Association to take. After conferring with this office, the Tulane Chapter of the Association passed a strong resolution in protest (copy enclosed) and obtained considerable newspaper publicity. Following the advice of the professors under attack, the Washington Office of the Association made no public statement.

This Association will continue its inquiries into the situation at LSU and will offer its resources, to the full extent that it is able, to the faculty members at LSU at such time as they think we can be of assistance to them.

We shall be happy to confer with you at any time about matters of mutual interest, particularly those that relate to the impact upon academic freedom of the issues arising from the desegregation problem.

Sincerely yours,

William P. Fidler

William P. Fidler

WPF:hmc
Enclosure

24 June 58

NEW ORLEANS STATES

La. State Univ.

Tulane Profs Defend LSU Petition Signers

Tulane university professors today defended the right of 66 Louisiana State university teachers to sign a petition opposing bills to close public schools under federal orders to integrate.

The resolution of the 160-member Tulane chapter of the American Assn. of University Professors (AAUP) came as the Louisiana Senate prepared to take final action on the House-approved measures. The AAUP, a national organization, is concerned with the academic freedom of university professors.

The LSU faculty members were listed among 600 persons who signed the petition, circulated by the Louisiana Civil Liberties Union (LCLU) and presented June 9 to a House of Representatives committee holding a public hearing on the segregation bills. Discovery of the LSU names opened a hunt by a special 10-man legislative committee for pro-integration sentiment at the state university.

Fear 'Great Damage'

"We deplore the fact that the mere exercise of the right of petition by certain faculty members of Louisiana State University has resulted in their being called to account by the Legislature," the resolution said.

"We fear that this discriminatory harassment of certain faculty members will result in great damage to higher education in Louisiana."

The resolution urged legislators to show respect for the tradition of academic freedom and "to refrain from direct or indirect intimidation of persons, either individually or in groups, holding opinions opposed to their own.

"Otherwise the Legislature may do irreparable damage to the institutions of higher learning it has so patiently built."

Text of Resolution

The text of the resolution:

"We, members of the Tulane University Chapter of the American Assn. of University Professors, are concerned for the welfare and effectiveness of Louisiana State University, some faculty members of which are now being investigated by a joint committee of the Louisiana State Legislature.

"We do not question the right of the Legislature to conduct any investigation which may contribute to the making of State laws.

"However, we wish to call the joint committee's attention to the possible consequences of such an investigation if it is not conducted with justice and reason. The rules of academic freedom and tenure now in effect at Louisiana State University, and at most other colleges and universities throughout the country, are designed to guarantee the scholar's right to seek for truth wherever it may be found, and to publish his results. These rules also guarantee that a faculty member has all the rights of any other citizen, including the rights of petition. The rules of academic freedom apply as much to faculty members without tenure as to those with tenure.

"The AAUP, as an organization, is dedicated to the defense of academic freedom and tenure, because without these guarantees there can be no higher education worthy of the name. We deplore the fact that the mere exercise of the right of petition by certain faculty members of Louisiana State University has resulted in in their being called to account by the Legislature. We fear that this discriminatory harassment of certain faculty members will result in great damage to higher education in Louisiana.

"We therefore:

"(1) Support the right of the 66 LSU faculty members and the other citizens who signed a petition sponsored by the Louisiana Civil Liberties Union opposing certain bills to take this action.

"(2) Commend Troy Middleton, President of LSU, for his statement and defense of the tradition of academic freedom and tenure."

(Middleton appeared before the joint investigating committee on June 11.)

"(3) Urge the members of the Legislature of the State of Louisiana to respect and to abide by the tradition of academic freedom and tenure and to refrain from direct or indirect intimidation of persons, either individually or in groups, holding opinions opposed to their own. Otherwise the Legislature may do irreparable damage to the institutions of higher learning it has so patiently built.

"BE IT RESOLVED that copies of this action be sent to the President of Louisiana State University, to the presiding officers of the House and Senate of the Louisiana Legislature, and to the Presidents of the other colleges and universities in Louisiana, with the request that the action of the Tulane University Chapter of the American Assn. of University Professors be made known to the faculty of Louisiana State University, to the members of the Louisiana State Legislature, and to the faculties of the other colleges and universities in Louisiana."

September 17, 1958

Mr. William P. Fidler
American Association of University Professors
1785 Massachusetts Avenue, N. W.
Washington 6, D. C.

Dear Dr. Fidler:

Harold Fleming, SRC's Director, has shared with me your letter of September 10th. As he explained in his note to you of September 16 it was I who wrote Bob Carr regarding the situation at LSU.

I am a member, of some six years standing, of the AAUP. We are often in a spot to know about attacks on academic freedom before they become general knowledge. I also have always felt free to write the Association on certain matters even when I was relatively certain they were already involved. I look upon such letters not as criticisms but rather as expressions of support.

I am much impressed with what the Association's chapter at Tulane said in their resolution regarding academic freedom at LSU.

Sincerely yours,

Frederick B. Routh
Assistant Director

FBR:ls

File
Morgan
Also offer. cooperation of Harv. Professors.
Amer. Association

LWD ✓
PA ✓
ML
PW ✓

HARPER & ROW, PUBLISHERS
INCORPORATED

EXECUTIVE VICE PRESIDENT
GENERAL DIVISION

49 EAST 33D ST., NEW YORK 16, N. Y.
MURRAY HILL 3-1900 • CABLE: HARPSAM

May 5, 1964

Dear Mr. Blackford,

Many thanks for your fine letter and review of Charles Morgan's A TIME TO SPEAK. Both Harper's and the author are delighted that you think so well of the book. We have sent your review confidentially to all our salesmen, but have, of course, asked them not to show it to anyone outside the house until it is officially published. All of us who have been concerned with this book are most grateful to you.

Talked in Research ✓

I think you will be interested in the enclosed piece by Ralph McGill about the book, which will appear in the forthcoming issue of the NYTBR.

Cordially,

Evan Thomas

Evan Thomas

Mr. Staige Blackford
Research Director
Southern Regional Council, Inc.
5 Forsyth Street, N.W.
Atlanta, Georgia 30303

EWT:clp

enclosure

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS
1785 MASSACHUSETTS AVENUE, N.W.
WASHINGTON, D.C. 20036

DAVID FELLMAN, *President*
University of Wisconsin
JOHN P. DAWSON, *First Vice-President*
Harvard University
FRANCES C. BROWN, *Second Vice-President*
Duke University
FREDERICK C. KURTZ, *Treasurer*
George Washington University
RALPH F. FUCHS, *General Counsel*
Indiana University

WASHINGTON OFFICE
WILLIAM P. FIDLER, *General Secretary*
BERTRAM H. DAVIS, *Deputy General Secretary*
LOUIS JOUGHIN, *Associate Secretary*
PEGGY HEIM, *Associate Secretary and Economist*
HERMAN I. ORENTLICHER, *Associate Secretary and Counsel*
WARREN C. MIDDLETON, *Staff Associate*
ROBERT VAN WAES, *Staff Associate*
WINSTON W. EHRMANN, *Staff Associate*
CHARLES MORGAN, JR., *Assistant Counsel*

File

June 3, 1964

Mr. Leslie W. Dunbar
Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N. W.
Atlanta, Georgia 30303

Dear Les:

Thank you for your letter of May 26 and for reading the book.

Also thank you for your hospitality on my recent journey to Atlanta.

If ever you are in New York, I would like for you to contact Isaiah Brunson, 22, who as I understand it may need assistance in organizing stall-ins. I shall anonymously recommend you as an inadvertent expert on inadvertent stall-ins.

I look forward to seeing you when you are next up our way.

Kindest regards.

Sincerely,

Chuck

Charles Morgan, Jr.

CM/ps

File
Amer. Assoc. of
Univ. Professors

May 26, 1964

Mr. Charles Morgan
American Association of University
Professors
1785 Massachusetts Avenue, N. W.
Washington, D. C.

Dear Chuck:

Without lying to you I was, nevertheless, guilty of deliberate deception when you were here. I had not by then done more than scan your book. I have now read it all the way, and it is quite a book -- one which lives up to the man.

I am glad we had the chance for a long talk. I hope there will be another soon.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj
cc: Mr. Evan Thomas
Harper & Row, Publishers

HARPER & ROW, PUBLISHERS
INCORPORATED

EXECUTIVE VICE PRESIDENT
GENERAL DIVISION

49 EAST 33D ST., NEW YORK 16, N. Y.
MURRAY HILL 3-1900 • CABLE: HARPSAM

April 3, 1964

matt

Dear Mr. Dunbar,

The day after four Negro girls were killed in the bombing of a church in Birmingham, Alabama, you may recall that a young local lawyer, Charles Morgan, Jr., made a memorable speech before a businessman's club, condemning his city for the crime.

Mr. Morgan has now written a short book - partly about himself, and perhaps more importantly (because he feels it's more important), about a time, certain people and places. We will publish the book on April 22nd.

I am sending you an advance copy of the book under separate cover. I do hope you find time to read it. Any comment you might have to make about the book would be most welcome.

Sincerely,

Evan Thomas

Evan Thomas

Mr. Leslie Dunbar
Southern Regional Council
5 Forsyth Street, N. W.
Atlanta, Georgia

EWT:f

Amer Bar Assn?

December 29, 1965

Hon. Paul C. Reardon, Chairman
Advisory Committee On Fair Trial and Free Press
c/o Robert C. Howard
Harvard Law School
Cambridge, Mass. 02138

Dear Mr. Reardon:

We are very interested in the examination the Association is conducting and would be most grateful if we could know of the results when they are available.

We are not in a position to answer, to any benefit, your questionnaire. You have probably already done so but, if not, may we suggest three persons in Atlanta who could probably be of help. They are:

Mr. Charles Morgan, Director, Southeastern Regional Office
American Civil Liberties Union
#5 Forsyth Street, N. W.
Atlanta, Georgia

Mr. Donald L. Hollowell
Hollowell, Ward, Moore & Alexander
859½ Hunter Street, N. W.
Atlanta, Georgia 30314

Mr. J. Winston Huff
Atlanta Legal Aid Society'
1130 C & S National Bank Building
Atlanta, Georgia

Sincerely,

Paul Anthony
Executive Director

PA/km

ADVISORY COMMITTEE
ON FAIR TRIAL AND FREE PRESS
c/o ROBERT C. HOWARD
HARVARD LAW SCHOOL
CAMBRIDGE, MASS. 02138

Wiley A. Branton, Esquire
5 Forsyth Street, N.W. 206
5th Floor
Atlanta, Georgia 30303

HON. PAUL C. REARDON, *Chairman*
Supreme Judicial Court of Mass.
Boston, Mass.

HON. EDWARD J. DEVITT
U.S. District Court
Minneapolis, Minn.

HON. WADE H. McCREE, Jr.
U.S. District Court
Detroit, Mich.

HON. BERNARD S. MEYER
New York Supreme Court
Mineola, N.Y.

HON. DANIEL P. WARD
State's Attorney
Cook County, Chicago, Ill.

DEAN ROBERT M. FIGG, JR.
Univ. of South Carolina Law School
Columbia, S.C.

ROSS L. MALONE, Esq.
Roswell, New Mexico

ROBERT G. STOREY, Esq.
Southwestern Legal Center
Dallas, Texas

LAWRENCE E. WALSH, Esq.
New York, N.Y.

GRANT COOPER, Esq.
Los Angeles, Calif.

DAVID L. SHAPIRO, *Reporter*
Harvard Law School
Cambridge, Mass.

(PA)

ADVISORY COMMITTEE ON FAIR TRIAL AND FREE PRESS

AMERICAN BAR ASSOCIATION

December, 1965

Dear Sir:

As part of an extensive American Bar Association project on Minimum Standards for Criminal Justice, I am serving as chairman of the Advisory Committee on Fair Trial and Free Press. The creation of this Committee, which is composed of nationally known judges and lawyers from all sections of the United States, stems directly from the recommendations of the Warren Commission.

We are conducting examinations of practices and problems with respect to the reporting of criminal matters in selected cities throughout the country, to obtain the data on which our deliberations and recommendations will be based. In particular, in your city we are asking persons involved in various stages of the administration of criminal justice to aid us by responding to questionnaires. We are also undertaking a content analysis of a local newspaper.

We have sought to make the enclosed questionnaire as brief and convenient for you as possible. Nevertheless, we should greatly appreciate any degree of elaboration you are able to provide, and any additional comments or information you think would be helpful to us. The identity of individuals responding will not, of course, be disclosed.

In order to obtain a number of different perspectives, responses have been requested from representatives of the trial bench, the bar (prosecution and defense counsel), police departments, and the news media. We are anxious to obtain as full a response as possible, and your cooperation will be of definite assistance in resolving current problems in the field of fair trial and free press.

Many thanks for your assistance.

Sincerely yours,

Paul C. Reardon

ADVISORY COMMITTEE
ON FAIR TRIAL AND FREE PRESS

QUESTIONNAIRE FOR DEFENSE COUNSEL

[In connection with questions 1-8, we would appreciate any additional detail relating to specific cases that you might be able to give us.]

1. On how many occasions have you handled criminal cases in which you thought reporting by the news media created a significant problem of possible prejudice to the defendant?

2. Have you ever asked the court to caution or reprimand the news media concerning reporting relating to a pending case? Do you think such warnings or reprimands are effective?

3. Have you ever moved for a continuance on grounds of prejudicial publicity? With what success? What sort of proof did you offer in support of the motion? Do you think there are occasions on which a continuance is an effective remedy?

4. Have you ever moved for a change of venue on grounds of prejudicial publicity? With what success? What sort of proof did you offer in support of the motion? Do you think there are occasions on which a change of venue is an effective remedy?

5. Have you ever moved for a mistrial or new trial or appealed from a conviction on grounds or prejudicial publicity? With what result?

6. In cases you have tried, how often has a voir dire examination been conducted to determine whether jurors have been prejudiced by publicity? Do you think the voir dire is an effective method of assuring an impartial jury? Do you have any suggestions as to the appropriate standard for the acceptability of a juror?

7. How often is a jury sequestered during trial in your jurisdiction? Do you regard sequestration as an effective means of preventing the harm that might result from publicity during the trial?

8. How often does the judge give admonitory instructions to the jury not to read or listen to news reports during the trial? Do you believe such warnings are effective?

9. Do you believe there are occasions when the public, including the news media, ought to be excluded from preliminary hearings, other pretrial hearings, or hearings during trial outside the presence of the jury?

10. We would appreciate your views as to whether attorneys for the prosecution or defense ought to give statements or interviews to the news media before or during trial and, if so, what the scope of such statements or interviews should be.

11. What benefits do you believe are derived from news reporting of criminal matters? Could such benefits still be obtained if attorneys and law enforcement officials were prohibited from releasing, before completion of trial or disposition without trial, such information as confessions, prior criminal records, test activity, opinions as to guilt or the merits of a case, and identifications of the accused by witnesses?

12. We would welcome any additional comments on the appropriate relationships between the news media and attorneys and law enforcement officials, and on the type of restrictions on the bar and on official sources which ought to be adopted or avoided.

Please return to Robert Howard, Harvard Law School, Cambridge, Mass. 02138

May 31, 1954

Dictated May 28

Mr. Ed Morgan
CBS
New York, New York

Dear Mr. Morgan:

Many thanks for you nice note from the plane. I didn't hear or see either show, but friends told me about both. I was particularly told that you made skillful and helpful use of the bit about the South's need for education.

Sincerely,

George S. Mitchell
Executive Director

GSM/eab

VIA AIR MAIL ~ CORREO AEREO

AA In Flight with AMERICAN

★ ★ ★ ★ ★

RECEIVED
MAY 26 1954
Southern Regional Council

25 May 54

Dear Dr. Mitchell—

Your backgrounding as well as your recorded statement contributed a great deal to our broadcast Sunday. This is simply a note to thank you again for your help. I hope you were able to hear the show. I'd be most interested in your comments.

I saw you on the Severeid show too (I liked your statement far, far better.)

Sincerely yours,

Ted Morgan

LITHOED IN U.S.A.

From EDWARD P. MORGAN'S BROADCAST -- August 2, 1955
American Broadcasting Company

This is an open letter to Senator George and Senator Russell of the State of Georgia.

Gentlemen:

I wonder if your constituents in Georgia realize how much certain officials and others in your state have been undermining the positions of prestige and international influence that you both occupy in the United States Senate. They are obviously proud of the personal popularity and eminence you each command as individuals, as distinguished members of Congress and as chairmen of two of the most important committees of the Senate, Foreign Relations and Armed Services. But I wonder if it has occurred to them that domestic problems can't be separated any more from world events, and that the way they approach problems at home may have a direct effect on the way you, Senator George, and you, Senator Russell, are able to do your jobs in the field of foreign affairs, jobs whose main objective is the security and welfare of our country, including the sovereign state of Georgia.

Yesterday, as you know, the Board of Education of Georgia, taking its cue from the State Attorney-General, ordered all teachers who are members of the National Association for the Advancement of Colored People to resign from it by September 15th, or have their teaching licenses revoked "for life." Let's not dwell, now, on the obvious, even arrogant, threat which that action poses to the constitutional guarantees of civil rights and civil liberties of Negro school teachers in Georgia.

Let's explore, instead, the threat that action poses to your position as statesmen. We are at a critical stage in the cold war, a turning point at which not only the Communists but the neutrals, and the countless dubious citizens among the nations allied with us are watching to see whether the United States is really prepared to follow through with deeds the bold, provocative words that President Eisenhower uttered with such bracing effect at Geneva. How much importance, Senator George, do you think an Indian, a Burmese, a native of North Africa, will attach to your statements as an American spokesman about our desires for peace and freedom and our solicitude for the oppressed if those desires and that solicitude are stopped at the borders of, say, the state of Georgia? By the same token, Senator Russell, how sincerely do you suppose will be read abroad your views, as a military expert, that our posture is a defensive one, aimed at the exploitation of nobody?

I may have put them clumsily but as men of experience and vision, I am sure you will agree these questions are not far-fetched. The world has shrunk, and just as sure as two and two make four in a segregated or a non-segregated arithmetic book, what happens in Athens, Georgia, has an impact in Athens, Greece, Afghanistan, and Alma-Ata, USSR. States' rights are an issue but the essence of the Supreme Court decision banning segregation in the schools is, I think, that states' rights don't supersede human rights.

I believe more Georgians, more southerners and other Americans as a whole, accept this than bigots will permit themselves to admit. This was the feeling I got when I flew to Atlanta last year to try to measure a little of the public reaction to the Supreme Court decision.

I realize there are tight emotional problems, bound with the thongs of prejudice and habit, which must be handled on the local level. I remember, Senator George, your interpretation of the Court's implementing decision last May. The Court, you remakred, "is now saying to go slow, but to go; to proceed, but proceed with care."

Perhaps as you two statesmen go home from Congress, you Senator George and you Senator Russell, may want to explain to your constituents what we all have at stake, so they may indeed proceed with care instead of retreat with recklessness.

Sincerely yours,

This is Edward Morgan, saying good night from Washington.

From EDWARD P. MORGAN AND THE NEWS -- Friday, February 24, 1956
American Broadcasting Company

I would respectfully suggest to the civic leaders of Montgomery, Alabama, that if they can find the time they would be doing themselves and the nation a service to bone up a little on what they may have forgotten about the recent history of India.

Do you remember the symbol of the wizened little man with loin cloth and spinning wheel? Do you remember how the world used to hang on the suspenseful news of Mohandas K. Gandhi's latest passive resistance bout with the British; how Americans, with their instinctive affinity for the underdog, cheered quietly as the Mahatma won round after round with the Viceroy, whether it was on a boycott of foreign goods, defiance of the salt tax or the longer deeper protest against the core of the matter, the denial of freedom?

And the British in their exasperation fell back on measures which did little more than eloquently confess the desperately embarrassing bankruptcy of their position. They threw Gandhi in jail. Not once but many times. Then he fasted and his weakness from it only gave his followers strength. It is remarkable how the inspirational chemistry of a cause can contribute to the endurance of people who believe in it. The momentum of Gandhi's movement was irresistable.

Who would have thought to look at him that in the frail bones of this wisp of a human being lay the marrow of independence of a nation? Ah, but there's the clue. For the passion of righteousness, by stubborn, enduring but gentle defiance, can transform a puny man into a giant. Who would have thought, looking back just 90 days, that a $14 fine against a Negro seamstress named Mrs. Rosa Parks for refusing to move to the Jim Crow section of a municipal bus in Montgomery, Alabama, would galvanize a show of passive resistance that may well become a key symbol in another struggle for independence?

For this in essence is what the racial issue is all about. It is not a sinister conspiracy of black hordes to impress a pagan supremacy on genteel citizens of lighter skin. It is not a swaggering ultimatum, bloodshot with passion as so many seem to fear, that a Negro shall marry your sister. It is the insistence, springing from the innards of some of the gentlest souls God ever fashioned, to choose their own seat on a municipal bus, to travel afoot or on horseback, in a Cadillac convertible or to stay at home.

Pierced by this simple shaft of truth, the city fathers of Montgomery, Alabama, can do nothing more than fall back in consternation, as the British did in India, and clap the leaders of the Negro community into jail. And yet really they have done more, far more. What they have done, rather pathetically in fact, is to reveal the transparency of the sincere but mistaken claims of white supremacy. For who has had the superior record of civilized behavior in this tortured episode? From which side came the extremism and the ugly little bursts of violence, and from which side the restraint? The record is not on the side of the white citizens.

Yet this in itself is not unique. People are human and this can and does happen in other communities. Perhaps there was a time even when it was strictly a community affair. But Montgomery and the rest of us are involved in something that thrusts beyond the city limits, girdles the globe and comes home again.

It just happens that the U.S. government is about to export an exhibit on the way America lives. Although far from perfect, it is a capsule picture of the upward growth of American life. It will be shown in India. It may arouse interest there. But another exhibit has preceded it: the press accounts of the Montgomery story. It needs no prophet to foretell which exhibit will make the deeper impression on the disciples of Gandhi who have now become the free citizens of India.

This is Edward Morgan, saying good night from Washington.

# # #

From EDWARD P. MORGAN AND THE NEWS -- Tuesday, February 28, 1956
American Broadcasting Company

Fate can sometimes cut the fabric of life in two directions at once. It did so in the death of West Virginia's Senator Kilgore this morning. For not only has a liberal and reasonable man been removed from the scene but in the hierarchy of the Senate, thanks to the sometimes ironic working of the machinery of seniority, there emerges in his place one of the most unliberal and defiantly prejudiced figures in public life of this or any other day.

Kilgore was Chairman of the Judiciary Committee, one of the most important and powerful committees of the Senate. The next ranking Senator on the committee, who now succeeds him, is 51-year-old James O. Eastland of Mississippi, who has just begun his third full 6-year-term. The Democratic Party label attached to both men but the ramifications of the change of leadership in the Judiciary Committee are numbingly profound. Eastland suddenly ascends to a position of power and possibly decisive influence which could hardly suit his own apparent goals more snugly or--to judge from his record--be more of a blinding cinder in the eye of responsible, sensitive, forward-looking public service.

Although in taking the oath of office as U.S. Senator, he has solemnly sworn to uphold and defend the Constitution, Eastland not once but many times has publicly urged open defiance of the Supreme Court in its declaration that segregation in public schools is unconstitutional.

He is in a position now to make his attitude even more strongly felt. He has a long and consistent record of opposition to legislation protecting civil rights. He has attacked the Supreme Court itself in the most vicious terms. He has attempted to obstruct judicial appointees because the appointees did not conform with his, no doubt, sincere but narrowly squeezed views.

Now Eastland becomes chairman of the committee whose province is nearly all the controversial legislation on civil rights, on constitutional amendments and which passes on all Presidential nominations to the federal judiciary from the Supreme Court down. Already, and due largely to Eastland's efforts, the nomination of Solicitor General Simon E. Soboloff to the Circuit Court of Appeals, has been sidetracked in the committee, which Eastland now commands. A Civil Rights Subcommittee had been working on legislation fortifying a citizen's right to vote. Now it is questionable when or whether this will be offered for full Judiciary Committee consideration.

The Senate only recently voted the Judiciary Committee more than a million dollars in extra funds for various investigations. Eastland is already chairman of the Internal Security Subcommittee and is likely to retain that post. That group's most celebrated recent activity was an investigation of Communism on the staff of the New York Times, an inquiry which might have been more correctly labeled as an inspection of "ex-Communism" and which was widely albeit belatedly denounced as an attempt to embarrass The Times which has defended the civil rights Eastland holds in contempt.

The Judiciary Committee also handles immigration bills. The President has asked Congress to liberalize the McCarran-Walter Act and correct its injustices. Kilgore was inclined in this direction. Eastland gives no such indication.

Eastland was one of the most consistent supporters of the Bricker Amendment to the Constitution to limit the President's treaty-making powers. That issue is not dead and, to repeat, constitutional amendments fall in Judiciary's bailiwick.

If this lugubrious prognosis turns out to be wrong, this reporter will be the first to adjust it, and happily. Meanwhile, one can only meditate on how suddenly death may change things.

This is Edward Morgan, saying good night from Washington.

# # #

March 30, 1956

Mr. Edward P. Morgan
4461 Connecticut Avenue, N.W.
Washington, D.C.

Dear Mr. Morgan:

I should think the best thing to do is to contrive an early opportunity for us to get together.

In peace and quiet that would be April 11 and quite possibly I will be in Washington April 12. Leave a message at the Cosmos Club by or before April 11 as to where I could reach you by telephone.

More hurriedly but with twenty minutes if the trains all right I shall be North bound to Philadelphia on the Seaboard Silver Comet at breakfast time the morning of Wednesday, April 4. I think the Comet gets into Washington about 8:30 and heads out for Philadelphia about 9:00. I will have arrived in Washington on B-70, Lower 5.

I should expect you to choose April 11 or 12, but I offer you the in-transit arrangement in case there is haste. In any case I look forward to time for us to talk.

Sincerely,

George S. Mitchell
Executive Director

GSM:mef

Dictated by Dr. Mitchell. Signed by mef in his absence.

Return with Monday

EDWARD P. MORGAN • 4461 CONNECTICUT AVE., N. W. • WASHINGTON 7

RECEIVED MAR 30 1956

March 28, 1956

Dear Mr. Mitchell:

In the past two years I have recalled many times the valuable help you gave me shortly after the Supreme Court decision on segregation in May, 1954. I was in the process then of preparing a broadcast on CBS radio on the impact of the decision, and what I found in Atlanta then encouraged me.

Since January, 1955 I have been broadcasting a program of news and comment over ABC, and one of the issues that has concerned me most is segregation and the whole complicated problem of this so-called racial question. I am far more troubled than reassured about developments in recent months. I wish it were possible to have another visit with you. Barring that, I hope you don't think it presumptuous of me to ask some questions. Your answers will help clarify my own thinking. Some of them might be useful to quote, but you may feel you can speak more freely if you are not quoted. I will leave that entirely up to you.

The President has made some guarded statements in support of the Supreme Court and integration. Do you think he should be more outspoken and forthright? Do you think it would ease the tension if he were to make a direct appeal to the nation in a kind of Fireside Chat? An appeal which would throw the whole weight of his prestige on the side of calmness and moderation, but making it plain that the Constitution and the Court were there to be upheld?

Do you see any merit in the President's recommendation that a bi-partisan commission be created by Congress? Norman Thomas has endorsed this. Do you think it would be wiser for the President to call a conference himself? What kind of a conference should this be? The New York Times has suggested that something might come from a conference on a so-called middle level, getting responsible industrialists and civic leaders together with representatives of Government, Labor, and national groups. The implication was that if the industrialists who control so many payrolls, so much advertising, and have so much influence were really to commit themselves to integration as the "soundest long-run business policy", it might have a great effect.

Do you think the Department of Justice is doing too much or not enough, or in actuality nothing at all in investigating violations of the Constitutional rights of citizens eligible to vote?

Am I wrong in my impression (strengthened indidentally on that visit to Atlanta) that there are a lot of respectable people in the South who though they don't accept integration do not accept lawlessness and violence either, and would so indicate if they weren't afraid of reprisals. I get an occasional letter from persons of this type after listening to one of my broadcast comments, but I have no way of knowing, of course, how representative they are. (I am taking the liberty of sending you a few of my comments on the subject).

I know this is a matter of conjecture, but your own considered opinion would be helpful on how serious you consider the threatened revolt of Southern extremists. Is it your impression that the White Citizens Councils continue to gain ground?

Do you feel that the passive resistance in Montgomery might conceivably spread throughout the South as the best answer to the extremists.

What I seem to be groping for is an approach to the problem as one sits here in Washington, somewhat (but not

entirely) removed from the problem. An approach that will encourage progress without being recklessly provocative.

I hope you won't take this as an impertinence--my writing you in this fashion--I am genuinely disturbed, but have a great feeling of impotence and inadequacy in trying to comment intelligently and with some purpose and effect on the subject.

I will be more than grateful for any remarks you would care to make on this subject.

Sincerely yours,

Edward P. Hyan

April 4, 1956

Mr. Edward P. Morgan
4461 Connecticut Avenue, N.W.
Washington, D.C.

Dear Mr. Morgan:

Meanwhile I will try my hand at some of your questions.

Should the President say more? Yes, but not a lot more and the thing to say is that while the decision allows time it expects compliance.

Congressional bi-partisan commission? Yes, this would do a lot of good. I myself think that the most good it will do will be to afford means of fetching up into the public view the many somewhat sinister characters who are having a lush time inside the Citizens' Councils. All sorts of queer, crawling things are in there and nobody knows it. Subpoena powers would do the trick. And the country would only hear what is going on to be revolted.

Industrialists conference, etc? It would do a lot of good. If the objecting parts of the South hear that industry wants integration the objectors would begin to get into line.

Is D.J. doing enough? I don't know. What does it do?

What about the silent South? A great many people in the South of old habit simply go along about their business while ranters rant. We have always had these people who speak extremely. They are embarrassing but they are seldom in position to do much more than talk. A great many people are now tending their own knitting and listening to as little such talk as they can.

You have not fallen into the trap so widely set of terming "both extremes: The Citizens' Councils and the NAACP." I regard the Citizens' Councils as extremes, but I don't think the NAACP is. It asks for the enforcement of the Constitution and that is lawful. The other people when they refuse to abide by the decision embark on an unlawful course.

I rather think that a lot of the news about the revolt of the South is synthetic. You remember during the McCarthy business somebody said:"Where there is smoke there is fire." That is true enough but it may be true that there is just a smoke machine. I think a racket is on to frighten the North into supposing the South won't do it and therefore the North had better lay off. It is probably true that in some parts of the South it willprobably be some number of years before desegregation gets very far. But in some other parts of the South it can and should proceed speedily.

Yes, I hear that the Citizens' Councils continue to grow.

In regard to passive resistance in Montgomery, Alabama. I would expect that the spirit of that general idea will not long hence bring about a situation in which it will be found that Negro people can no longer be got to work on the old diet of scorn. Dignity will become the price of performance. And here and there people will be willing to pay the price and in those towns there will be peace and growth. And it won't be so very long before the word will spread that that's what you do.

And not so long after that courtesy will become an old Southern custom.

Much more that we could talk about and I hope we will have a chance.

Sincerely,

George S. Mitchell
Executive Director

GSM:maf

April 4, 1956

Miss Johanne Curran, Secretary
Edward P. Morgan, ABC
4461 Connecticut Avenue, N.W.
Washington 8, D.C.

Dear Miss Curran:

Mrs. Tilly is in charge of Women's Work for the Southern Regional Council, and may be addressed here.

She lives at 1013 Highland View, N.E., where her telephone number is VErnon 2951. At the office she may be reached at WAlnut 7963 or WAlnut 1821.

Sincerely,

George S. Mitchell
Executive Director

GSM:mef

RECEIVED MAR 31 1956

March 29, 1956

Dear Mr. Mitchell:

Mr. Morgan wonders if you might have an address for E. E. Tilly in Atlanta. If so, would you kindly drop us a card? Thank you for your cooperation.

Sincerely,

Johanne Curran

Johanne Curran,
Secretary

Signed by mef in Dr. Mitchell's absence.

April 6, 1956

Miss Johanne Curran, Secretary
Edward P. Morgan
4461 Connecticut Avenue, N.W.
Washington, D.C.

Dear Miss Curran:

Lunch is fine for Wednesday, April 11. I will call some of the various numbers in the earlier forenoon of April 11, and see when and where I should show. Welcomely at the Cosmos Club, but that may mean his coming to where I am; and I gladly go to where he is.

Sincerely,

George S. Mitchell
Executive Director

GSM:mef

EDWARD P. MORGAN • 4461 CONNECTICUT AVE., N. W. • WASHINGTON

RECEIVED APR 6 1956

April 4, 1956

Dear Mr. Mitchell:

Mr. Morgan has received your letter of March 30th, and would like to suggest lunch on April 11th, if you are free at that time. If not, could you arrange a late morning meeting?

Our office telephone numbers are: Kellog 7-1100 X213 and X 214. Emerson 2-3002. If you have a change of plans, would you call us collect on the Emerson number?

If there is no answer at the above numbers, I suggest you call Adams 2-6851, his home number.

Sincerely,

Johanne Curran

Johanne Curran,
Secretary

May 7, 1957

Mr. Al Ramrus
c/o The Mike Wallace Show
American Broadcasting Company
7 West 66th Street
New York 23, New York

Dear Al:

Thanks for your letter and the returned material which arrived today.

It is our opinion that the Edwards show was extremely well handled. From what we are able to determine, the show was received with much interest and approval in this area. Certainly Edwards was not helped, especially in his "Christ, No!" response and his somewhat confused reliance on Scripture. The statements from local ministers were good and used effectively. In short, we are happy and think the region is.

We stand ready to be of any possible assistance. Perhaps next time you can give us a little advance warning and we can do more thorough spadework.

Sincerely,

Paul Anthony
Administrative Assistant

PA/hs

American Broadcasting Company
7 WEST 66TH STREET · NEW YORK 23, N.Y.
SUSQUEHANNA 7-5000

ABC
TELEVISION NETWORK

May 6, 1957

Mr. Paul Anthony
Southern Regional Council
63 Alburn Avenue North
Atlanta, Georgia

Dear Paul:

I'm sure I speak for everyone connected with the Mike Wallace show when I say thank you for your help on the Edwards interview.

Although we didn't have time to fire all the ammunition you armed us with, what we did use was telling, I think.

Hope you and Mr. Fleming enjoyed the show, and would appreciate your comments, especially regarding the reaction in Atlanta to the interview.

Sincerely,

Al Ramrus

Al Ramrus
Chief Writer

AR:rq

December 18, 1957

Mr. John W. Vandercook
Newscaster
American Broadcasting Company
New York, N.Y.

Dear Mr. Vandercook:

I am enclosing a copy of "The Negro Voter in the South". If you have not already received a copy through some other channel, I thought you would like to have it for general background information.

Also enclosed is a Congressional Record reprint which will serve in some measure to identify the Southern Regional Council.

Sincerely,

Emory F. Via
Labor Consultant

EFV:fcl

Enclosures.

December 18, 1957

Mr. Edward P. Morgan
Newscaster
American Broadcasting Company
New York, N.Y.

Dear Mr. Morgan:

I am enclosing a copy of "The Negro Voter in the South". If you have not already received a copy through some other channel, I thought you would like to have it for general background information.

Also enclosed is a Congressional Record reprint which will serve in some measure to identify the Southern Regional Council.

Sincerely,

Emory F. Via
Labor Consultant

Enclosures.

EFV:fcl

(Copy of night letter sent from EFV's home phone on September 10, 1958)

Mr. Edward P. Morgan
American Broadcasting Company
New York, New York

Can use copy of your comments from newscast on evening of September 10, 1958. Please send and give permission for informal reproduction.

Many thanks.

Emory F. Via
Labor Consultant
Southern Regional Council
63 Auburn Avenue, N. E.
Atlanta, Georgia

EFV:ls

American Broadcasting Company
1330 AVENUE OF THE AMERICAS · NEW YORK, N. Y. 10019

Mr. Paul Anthony
Director
Southern Regional Council, Inc.
5 Forsythe Street, N. W.
Atlanta, Georgia

American Broadcasting Company
1330 AVENUE OF THE AMERICAS · NEW YORK, N.Y. 10019
LT 1-7777

Staff

file American Broadcasting Co. 50

This is a reminder that...

"Southern Accents-Northern Ghettos,"

an hour-long documentary program produced by William Peters for ABC News will be broadcast on the ABC Television Network on Thursday evening, July 6th, at 10:00 PM Eastern Daylight Time. Consult your local newspaper for time and station in your city. We hope you'll be able to watch it.

Staff: Please Read

SRC ROUTING SLIP JUNE 1967

AKIN, CARL	720
ALEXANDER, RUTH	34
ANDERSON, BOB	24
ANTHONY, PAUL	26
BARTLEY, GLENDA	20
BEARDSLEE, BILL	4
BOONE, JOHN	0
BOOZER, CAROL	37
BROWN, VIRGINIA	38
CHISHOLM, CHERYL	4
COLLINS, PAT	4
COOK, BERNICE	25
DABBS, RICHARD	20
DUNBAR, TONY	4
EDDY, PRISCILLA	34
FARMER, WILLIAM	38
FRIEDMAN, SUSAN	33
GIGNILLIAT, WILLIAM	20
HOWARD, RUTH	8
HORWITZ, KENNETH	20
JACKSON, BARNETTA	20
JACKSON, DWIGHT	4
JENNINGS, MARGARET	4
JOHNSON, MILDRED	36
JORDAN, VERNON	6
KNOX, LUESTA	22
LOCKHART, CAROLYN	28
MANDERSON, MARGE	31
MARTIN, KATHY	36
MEYER, PAT	38
MORGAN, NOBBIE	4
MORRISON, BERNICE	20
OLIVE, THAD	5
PARKS, BERNARD	4
REED, DORIS	33
SHORTT, JANET	31
SMITH, JANET	25
SMITH, MORELAND	27
STANFIELD, ED	28
TILLY, MRS. M. E.	29
TRAYLOR, MELVIN	25
VIA, EMORY	30
WALL, MARVIN	4
WARRIOR, ROSLYN	4
WATTERS, PAT	32
WOOD, JAMES N., JR.	39

February 11, 1946

RESOLUTION ON SURVEY OF INSTITUTE SCHOOLS

WHEREAS, (1) the movement of populations during and immediately following World War II; (2) the disruption of family life; (3) unprecedented advances in technology and the consequent need for new moral controls together with new skills; (4) the changes in pre-war occupational patterns — displacement of old and creation of new types of occupations; and (5) the growing critical need for guidance in local, regional, national, and world-wide personality and social adjustment; all combine to focus the attention of world leaders on needed reorganization in institutions designed to provide the desired situation for education in world citizenship, and

WHEREAS, school systems, public and private, are feeling an increasing need for an adequate picture of

1. What they are doing at present
2. How well it is being done
3. What needs to be done, and
4. What revision of structure, purposes, and objectives, and administration is needed to secure desired results in terms of actual living in a democratic community — all within the limits of available finances, time and effort, and

WHEREAS, the institutions of the American Church Institute for Negroes, with their rich heritage of spiritual leadership, are all in the region where progressive change is most needed and most likely to occur in the immediate future, and

WHEREAS, the American Church Institute for Negroes is fundamentally concerned, not only with maintaining these schools on a level of performance and achievement which is at least equal to that of the best institutions of similar type in their respective areas, but also in their making some unique contributions to the public weal,

BE IT RESOLVED, that the American Church Institute for Negroes project in the immediate future a comprehensive survey of the nine institutions under its supervision for the following purposes:

1. To get an adequate picture of what each one is doing at present and how well it is being done in terms of the end product — the students who are turned back into communities or who go on for further formal education.

2. To determine the present and changing needs for effective citizenship — personal, social, and vocational — in the immediate, regional, and world community, and

3. To recommend needed changes in organization and administration — including location, physical plant, staff personnel, curricula, financial support and instructional equipment which will enable these institutions to be effective in meeting desirable present and evident future needs of students within the accepted purposes and objectives of each institution, and within the limits of its financial resources.

FURTHER: that the American Church Institute for Negroes name:

1. A National Advisory Committee of seven or nine members

2. A local Advisory Committee for each institution, of five members

3. A Survey Committee of five qualified persons to gather the data and report its findings to the Trustees of the Institute.

FURTHER: that the Survey Committee include at least one member who is not connected with any one of the nine institutions who will be qualified to study the two institutions of higher learning and the non-academic institutions.

FURTHER: that plans for the Survey be drawn immediately so that data may be gathered prior to the closing of the present academic year in each school, and in ample time for the final report to be received and examined by the Church Institute prior to the meeting of the next General Convention of the Protestant Episcopal Church.

AND: that the necessary funds for the Survey be made available by the Board of Trustees of the Institute.

July 9, 1946

Mr. Lewis J. Hunter, Treasurer
American Church Institute for Negroes
82 Devonshire Street
Boston 9, Massachusetts

Dear Mr. Hunter:

This will acknowledge your letter of July 1.

I am happy to know that Mr. Bentley has returned to his work with the Institute. I trust, however, that this does not mean losing your valuable counsel from the deliberations on the work and future of the Institute schools. You have done a remarkable job, and it has been a pleasure and privilege to be associated with you.

With kindest good wishes, I remain

Yours very sincerely,

HAROLD L. TRIGG
Associate Executive Director

HLT:jm

THE AMERICAN CHURCH INSTITUTE FOR NEGROES

A Corporation of the Protestant Episcopal Church Responsible to the National Council and to General Convention

82 DEVONSHIRE STREET, BOSTON 9, MASSACHUSETTS

Telephone, CAPITOL 1155

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PRESIDENT

THE REVEREND CYRIL E. BENTLEY, B.D.
DIRECTOR

MR. LOUIS J. HUNTER, TREASURER
ACTING DIRECTOR

MR. M. M. MILLIKAN, SECRETARY
ASSISTANT DIRECTOR

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MR. LOUIS J. HUNTER
MR. LANGBOURNE M. WILLIAMS, JR.
THE REV. GEORGE L. PAINE

July 1, 1946

TO ALL TRUSTEES:

I am happy to report that, after a distinguished service of fifty months with the Navy, Mr. Bentley has returned to us - resuming today his position as Director. In relinquishing my temporary post as Acting Director, I extend hearty thanks for the cooperation which has been extended to me by our Trustees and all Schools.

At the invitation of Mr. Bentley, Mr. Millikan will continue as Secretary and Assistant Director of the Institute. I believe the Trustees will share the pleasure Mr. Bentley and I have in knowing that the Institute is to continue to have the benefit of Mr. Millikan's helpful services.

For the present, at least, Mr. Bentley and Mr. Millikan will continue to make their headquarters with me in Room 522, 82 Devonshire Street, Boston 9, Massachusetts.

A letter substantially like this one has been sent to each school.

Cordially yours,

Louis J. Hunter

Treasurer.

Advisory Board
Committee

September 13, 1946

Mr. M. M. Millikan
82 Devonshire Street
Boston 9, Massachusetts

Dear Mr. Millikan:

I thank you for the copy of the minutes of our last meeting which was received this morning.

I thought that we had a very good session, and I am looking forward to seeing a copy of the report of the survey.

I am enclosing my expense account for the trip.

Yours very cordially,

HAROLD L. TRIGG
Associate Executive Director

HLT:MJ
Encl.

Minutes of the Meeting of the
Board of Trustees of the American Church
Institute for Negroes, September 4, 1946.

Pursuant to call by the President, the Board of Trustees of The American Church Institute for Negroes met in the office of the Presiding Bishop at 2:30 P. M. Wednesday, September 4, 1946. There were present Bishops Tucker and Penick, Messrs. Paine, Trigg, Williams, Hunter, Wieland and Plaskett, constituting a quorum. The Secretary was present and recorded the proceedings. Director Bentley was also present.

Dr. Wieland opened the meeting with prayer and presided during the first few minutes of the deliberations, being succeeded in the chair by the President who was delayed briefly by attendance at another meeting.

The Minutes of the last meeting having been circulated, on motion duly seconded and unanimously adopted, the actions recorded in said Minutes were confirmed and the Minutes approved.

Mr. Williams proposed a rising vote of welcome by the members of the Board present for Mr. Bentley, recently returned to the directorship of the Institute after more than four years' absence with distinguished service in the United States Navy. The vote was enthusiastically and unanimously expressed.

The Treasurer presented a financial report for the period from the last meeting, and a list of all securities transactions from September 23, 1945 to August 20, 1946. On motion duly seconded and unanimously adopted the reports were accepted and ordered filed.

The Treasurer also presented a budget for the fiscal year

beginning October 1, 1946, reviewing the same by item. On motion duly seconded and unanimously carried the budget was approved.

The Assistant Director presented a brief report of the administrative activity since the last meeting which was received and filed.

Over a period of several months the officers of the Institute had worked with and received from the Boards of Trustees and managements of the affiliated institutions reports of the needs of the various establishments to be used as a basis for requesting grants from the Reconstruction and Advance Fund. The requests totalled $1,350,000. On August 15, 1946 these statements were incorporated into a letter by the officers of The American Church Institute for Negroes addressed to the Committee for Allocation of Reconstruction and Advance Funds, asking that a grant be made to the Institute to be used for the needs as requested by the schools. On motion duly seconded and unanimously adopted the letter was approved. Bishop Tucker, Dr. Wieland and Mr. Hunter presented arguments supporting the needs of the schools all for the purpose of providing Dr. Wieland with material for his use in placing the program before the Committee on Allocations.

The report by The American Church Institute for Negroes to the General Convention was reviewed before the Board by the Director. After discussion it decided to delegate Bishop Penick to present the report to the Convention and he was so delegated by the President.

The Director presented a summary of the Survey report recently received from Dr. Brewton stating that copies of the full printed report would be forwarded by mail to those trustees requesting them.

It was the concensus of the meeting that the Brewton report constitutes an invaluable aid and guidance in the further administration of the Institute.

On motion duly seconded and unanimously adopted, it was voted to adjourn at 5:00 P. M.

_____
Secretary

October 8, 1946

Mr. M. M. Millikan
Secretary, American Church Institute for Negroes
82 Devonshire Street
Boston 9, Massachusetts

Dear Mr. Millikan:

I thank you for the copy of the Survey and your letter of September 23 which accompanied it.

This report constitutes a significant contribution of the Institute to the progress and welfare of these nine institutions. It has come at an opportune time and certainly sets up a program for action in the period of years before us.

From time to time, as I have the opportunity to visit the localities in which these institutions exist, I shall be happy to call on the administrative head and observe the activities of the institution itself.

With kindest good wishes, I remain

Yours very sincerely,

HAROLD L. TRIGG
Associate Executive Director

HLT:MP

THE AMERICAN CHURCH INSTITUTE FOR NEGROES

A Corporation of the Protestant Episcopal Church Responsible to the National Council and to General Convention

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September 23, 1946

Dr. Harold L. Trigg
Associate Executive Director
Southern Regional Council, Inc.
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Dr. Trigg:

In compliance with your request at the recent meeting of the Board of Trustees, we enclose a copy of the Survey Report by the Division of Surveys and Field Services of Peabody College.

In our opinion we have here the guidepost for planning the long-term administration of the institutions affiliated with The American Church Institute for Negroes.

There is much material in the report for constructive application, as well as useful criticism of this great work by the Church. Perhaps it is inevitable in such a group of institutions that have always been financially handicapped to find deficiencies, but it is refreshing to have them frankly discussed by the survey staff.

In one or two instances the survey staff arrived at erroneous conclusions as a result of incomplete information supplied by the schools. The surpluses that appear in table 35 are an example. These figures largely represent funds appropriated for special needs but unexpended at the time reviewed by the staff and were not explained by the schools.

The material applicable to each school is being collected as a separate report for the individual schools and will be furnished to them for their use.

We believe the report should be treated confidentially as nothing is to be gained by revealing the general comparisons to the various boards and principals. They all have a natural sense of loyalty and local interest that lends itself to partisanship and the possibility of reaching conclusions inimicable to the general good.

Very truly yours,

M. M. Millikan

Assistant ~~Director~~.

Institute Has Vital Role in Future of the Negro

CONTINUING its cooperation with the Reconstruction and Advance Fund, FORTH presents two articles by graduates of schools of the American Church Institute for Negroes. These articles, one by a skilled artisan residing in the South, and the other by a trained social worker who lives and works in the North, indicate the contribution which these schools make to the development of the Negro race and the unparalleled opportunity which these schools will have in the days to come. Next month the Reconstruction and Advance Fund article will describe the urgent opportunities facing the Church in Latin America.

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By ELLA H. REIVES
U. S. O., Bronx, New York, N. Y.

NO schools should be better equipped to take the lead in promoting the principles of learning to live together amicably than those under Church auspices, such as the schools of the American Church Institute for Negroes. This type of school is interested not only in academic courses, but also, and perhaps more importantly, in the development of Christian character and leadership. They are interested in the personality of their students. The schools of the Institute, despite their very limited material resources, have achieved marked success in such education.

In the postwar world Institute schools will face an even greater challenge than in the past, and can be a major contributing force in providing the stable guidance that will be so sorely needed in helping young people find a sense of direction and purpose. Recent war experiences have brought about much changed thinking on the part of Negro youth. They have matured rapidly. They have seen a world at war over ideas and ideals. They have learned that equality of economic, educational, and social opportunities is the right of every citizen regardless of race, creed, or color. No longer will they accept a second-class citizenship role.

Institute schools, conscious of these problems, can be a vital factor in contributing to the personality development of Negro young people by furnishing progressive, well-trained teachers who will be able to give the kind of understanding, tolerance, and guidance which will help students to attain their objectives. A large number of young people have been inspired to seek higher educational levels. Federal and other funds will be sought for this purpose. The strength of our country will be determined by its citizens; and the Institute schools can take the lead in directing and developing Negro youth, as Christian citizens eager and able to live together with themselves and their white neighbors in harmony and understanding.

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By JOSEPH K. WALL
Lawrenceville, Virginia

FORTY years ago I went to work in a small Virginia town. In that same town was a school of the American Church Institute for Negroes. And each day as I went to and from work I had to pass that school, St. Paul Normal and Industrial School, now St. Paul's Polytechnic Institute.

I became interested in the way the boys of that school behaved and the interest they took in learning trades: bricklaying, carpentry, shoe repairing, blacksmithing, and others. This was an opportunity that the Negroes of this community had not had before.

In those days very few Brunswick County boys were in the Trade Department but gradually as they began to realize the great opportunity the school was offering they began to enroll in large numbers.

During this period the county was without skilled mechanics and real jobs had to be performed by mechanics brought in from the large cities; but today, the county has skilled Negro mechanics in all popular trades. They are located throughout the county and adjoining counties, owning their own homes, operating shoe repair shops, blacksmith shops, tailor shops. Others work as contractors, mercantile business men, and still others are operating profitable farms. All this grew out of the opportunity that St. Paul's Institute, one of the earliest Institute schools, gave the Negroes of this region.

Besides the industrial and academic training, the Institute school offers religious and moral training that molds the student and fits him to be a leader in the life of his community.

The educational opportunities, offered by Institute schools, has made a real contribution to the entire race and what has been true at St. Paul's Polytechnic Institute, Lawrenceville, Virginia, has been true of the other Institute schools throughout the South.

I am fully aware that my race needs doctors, lawyers, clergymen. teachers and others in the professions but the masses of my race must raise their living standard by being good artisans. I therefore feel that the Institute schools can make a greater contribution by expanding these opportunities and by furnishing these schools with better buildings and equipment in order that the teachers and other instructors may do a better job for a greater number of students, as the postwar era will have a great demand for the industrial man in all walks of life.

Since I resigned my first position of forty years ago, my earning capacity has increased from four dollars a month to one dollar and fifty cents an hour, a direct result of my training received in an Institute school.

Reprinted from FORTH, September, 1945

October, 1944

ROGER N. BALDWIN
Director, American Civil Liberties Union

SUBJECTS

What Chance for the Four Freedoms?
How Goes the Bill of Rights in War?
What Prospects for Race Equality?
What Justice for Japanese Americans?
The Rights of Conscientious Objectors to War.

Roger N. Baldwin, director of the American Civil Liberties Union, has been active in the many-sided fight for civil liberty since the outbreak of the first World War. He then at once volunteered his services to combating war-time restraints on freedom of speech, press and conscience, severing his connections in political reform and social work in St. Louis, Missouri, where he had worked for ten years following his graduation from Harvard. He organized in New York and Washington the National Civil Liberties Bureau, and directed its activities throughout the war.

After the war, the Bureau was expanded into the American Civil Liberties Union, which has been the one national non-partisan agency defending and promoting the civil rights of all persons without distinction. Its only platform has been the Bill of Rights. Mr. Baldwin has directed its varied campaigns and court cases, involving the rights of labor, aliens, Negroes, racial and political minorities, censorship and academic freedom, and in World War II the issues of war regulations and freedom of conscience.

Besides having acted as director of the Union since its origin, Mr. Baldwin has also been active in many other organizations concerned with civil liberties, with peace and with international relations. He has been a member of the faculty of the New School for Social Research in New York, where he has given numerous courses. He is a member of the Harvard Overseers' Committee on the Economics Department, and delivered at Harvard in 1938 the Godkin lecture on "Civil Liberties and Industrial Conflict", published by the Harvard University Press.

Mr. Baldwin is also a member of the directing boards of the National Urban League, the India League, the National Audubon Society, and a trustee of the Robert Marshall Civil Liberties Trust.

In addition to his activities in the United States, Mr. Baldwin spent considerable time in Europe between 1927 and 1935 in connection with international anti-fascist and anti-imperialist movements, in which he held official positions representing American agencies. His study of liberty and repression in Soviet Russia was published under the title "Liberty Under the Soviets". He is joint author of "Juvenile Courts and Probation" written when he was secretary of the National Probation Association. He is also the editor of a volume of Kropotkin's "Revolutionary Pamphlets".

Mr. Baldwin was born near Boston, Mass. and educated in the public schools and at Harvard.(A.B.and M.A.) He is married, and lives in New Jersey. He is an independent in politics.

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November 28th, 1944

Mrs. Mary R. Millis
377 Tenth Street, N. E.
Atlanta, Georgia

Dear Mrs. Millis:

Roger N. Baldwin, director of the American Civil Liberties Union, is planning a trip in the South from January 17th to February 11th for the purposes of first hand contacts with members and friends and with public and private agencies dealing with one aspect or another of civil liberties problems.

He will visit Atlanta on Monday, February 5th and will be glad to address either a public meeting or confer privately with friends interested in civil liberties.

I am attaching a biographical sketch, and call your attention to the list of subjects which may be changed to suit the particular needs of your locality.

We would appreciate it greatly if you would advise us if it will be possible for you to arrange for either or both of these meetings. Perhaps you can fit Mr. Baldwin in as a speaker at a meeting already arranged, such as the Chamber of Commerce or City Club meetings, etc., where a small fee would be paid that would help defray expenses, although this is not essential.

As soon as we have heard from you of your willingness to cooperate, we shall send you a list of our members and friends in Atlanta.

Sincerely yours,

Lucille B. Milner

Secretary

LBM:fk

407 8th Street, N. E.,
Atlanta, Georgia,
December 1, 1944.

Mr. Archie Graham,
Congress Industrial Organization,
75 Ivy Street, N. E.,
Atlanta, Georgia.

Dear Mr. Graham:

Enclosed please find letter and other information which I have previously discussed with you.

I have already informed Mrs. Millis of your co-operative willingness to take charge of the arrangements to insure that Mr. Baldwin will receive the sort of reception he is so well deserving of.

Will you kindly return enclosures when they have suited your purpose, I am inclined to believe that Mrs. Millis would be gald to have them back.

With kind regards, I beg toremain,

Very truly yours,

Nathan Levy

Nathan Levy

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Counsel

December 4th, 1944

Mr. Archie Graham
Congress of Industrial Organizations
75 Ivy Street, N. E.
Atlanta, Georgia

Dear Mr. Graham:

We have a letter from Mr. Nathan Levy of 407 Eighth Street, N. E., Atlanta, advising us of Mrs. Millis' illness. We understand that Mrs. Millis has turned over to you our letter of November 28th telling her of Mr. Baldwin's visit to Atlanta, and that you have very kindly promised that you would take care of arrangements for his meetings.

If there are any questions in your mind after having read Mrs. Millis' letter and the biographical sketch which I enclosed, do not hesitate to write us. I want to add that Mr. Baldwin is of course very anxious to meet with leaders, both Negro and white, in race relations work.

We await your further word and thank you cordially for your cooperation.

Sincerely yours,

Lucille B. Milner

Secretary

LBM:fk

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December 27, 1944

Mr. Guy B. Johnson
Southern Regional Council, Inc.
63 Auburn Avenue, N.E.
Atlanta 3, Ga.

Dear Mr. Johnson:

Thank you for your letter of December 20th with the helpful information concerning contacts for Mr. Baldwin's visits to the various southern cities.

The Atlanta meeting is being arranged for Mr. Baldwin by Archie Graham, Secretary of the Atlanta Industrial Union Council for the CIO, and Frank McCallister in the Palmer Building. I am sure they would welcome your cooperation.

Sincerely yours,

Lucille B. Milner

Lucille B. Milner
Secretary

lbm/b

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MEMORANDUM IN SUPPORT OF DRAFT OF A STATE CIVIL RIGHTS LAW

December, 1944

The object of the attached draft of a civil rights law is to prohibit discrimination on account of race, color, creed, ancestry or national origin, and the denial of equal rights to any person: (1) in admission to or in accommodation in places of public amusement or resort, (2) in employment in certain industries and businesses and (3) in labor unions.

Twenty-eight states have no civil rights laws whatsoever. Many of the other twenty-two states have laws which are inadequate and therefore largely inoperative. In those states which have some anti-discrimination legislation on the books, the bill is designed so that sections may be taken to supplement present legislation.

SEC. 1. This section is adapted from a bill introduced in Congress by the National Association for the Advancement of Colored People. It makes illegal not only active discrimination, but also punishes anyone who directly aids or causes it. The section is limited only to discrimination in admission or accommodation or service of any person in places of public accommodation, whether licensed by the state or not.

SEC. 2. This section, adapted in part from the federal bill, is purposely not all-inclusive, since a bill enumerating a multitude of various places where equality is required would be strictly construed,

and hence a failure to list certain other places would be held by the courts to be specifically excluded. Those provisions of the section referrable to educational institutions are adapted from the New York Civil Rights Law (Section 40) with the additional prohibition directed against institutions obtaining tax exemption. For obvious reasons, it does not cover educational institutions which limit admission on the basis of religious belief or affiliation.

SEC. 2(b) is designed to prohibit placing of signs or advertisements calling attention to the fact that the particular place of public accommodation or conveyance discourages or refuses patronage or service on the basis of race, color, creed, ancestry or national origin. A ny such notice or advertisement is made prima facie evidence that the owner or manager of the particular place authorized publication.

SEC. 2(c) is designed to hold liable both the actual owner and his agent of any place practicing discrimination.

SEC. 3. This section is adapted from the New York Civil Rights Law, Section 40(b) and modifies the common law rule holding theater tickets to be a license revocable at the will of the theater owner. This law was recently held constitutional in Christie v. 46th St. Theater Corporation, 1944. 292 N.Y. 520, 643, cert. den. 89 L. Ed. (Adv. Sheets) 35.

SEC. 4. is adapted from the New York Civil Rights Law, Section 40(a) and prohibits either the refusal to hire or the making of inquiries concerning the race, color, creed, ancestry or national origin of any person seeking employment in public schools.

SEC. 5. is adapted from the New York Civil Rights Law, Section 42 and prohibits public utility companies or common carriers from refusing to employ or promote employees on account of their race, color,

creed, ancestry or national origin.

SEC. 6. is adapted from the New York Civil Rights Law, Section 44 and applies the same standard as in Section 5 to concerns doing business with federal, state or local agencies.

SEC. 7. is adapted from the New York Civil Rights Law, Section 43 and prohibits labor unions from discriminating or segregating on the basis of race, color, creed, ancestry or national origin either within the union or in employment opportunities. It extends the New York law by adding protection for union members after admission.

SEC. 8. is adapted from the New York Civil Rights Law, Section 41. This section provides a civil remedy for the violation of the prohibited discriminatory acts listed in previous sections. SEC. 9 makes the unlawful discrimination a misdemeanor. It is desirable to provide both a civil and criminal remedy, and in terms not too severe to discourage enforcement. Where criminal penalties fail, civil damage suits can be used.

SEC. 10. This section empowers the Secretary of State to revoke the license of any person who has twice or more violated the act within a year. This section may be amended, however, to suit the particular instances, and it might be well to empower the Secretary of State, if it is within his jurisdiction, to revoke charters of incorporation or articles of partnership, etc. The revoking power, of course, may also be delegated to some other governmental agency.

SEC. 11 is adapted from the New York Penal Law, Section 700, and is a cover-all provision to punish discrimination.

SEC. 12. This is the usual separability clause which should be included wherever the proposed civil rights law is introduced as a whole.

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December, 1944

A B I L L

To assure to all persons within the State of____full and equal privileges in places of public accommodation, resort, entertainment and amusement, and equal rights in employment and labor unions, and for other purposes.

SEC. 1. That within the jurisdiction of this State any person, natural or corporate, who shall make any distinction, discrimination, or restriction on account of race, color, creed, ancestry or national origin, or for any reason not sanctioned by law and not applicable alike to persons generally, in the admission of any person to, or the accommodation or service of any person in any place of public accommodation, resort, entertainment, or amusement, whether licensed or not, or any public conveyance, or any public meeting or assemblage, or who shall directly aid or cause the making of any such distinction, discrimination, or restriction, shall for each such act or denial be liable as hereinafter provided for in Sections 8 and 9.

SEC. 2. (a) Places of public accommodation, resort, entertainment, or amusement shall be deemed to include hotels, restaurants, stores, or shops where foodstuffs, drinks, goods, or wares are sold or offered, advertised, or displayed for sale to the public; hospitals, clinics, theaters, motion-picture houses, concert halls, amusement parks, public parks and public buildings under the jurisdiction of the national or municipal governments; buildings residential or otherwise enjoying eminent domain, or receiving any tax exemption from any source, or the construction of which was directly financed in whole or in part by any public funds or grants; public libraries, kindergartens, primary and secondary schools, high schools, academies,

colleges and universities, extension courses, and all educational institutions under the supervision of the state authorities; and any such public library, kindergarten, primary and secondary school, academy, college, university, professional school, extension course or other educational facility, supported in whole or in part by public funds or by contributions solicited from the general public or obtaining any tax exemption from any source, except those institutions, admission to which is based on religious belief or affiliation; provided, that the foregoing enumeration shall not be construed as limiting in any way the meaning of the general phrase, "places of public accommodation, resort, entertainment, or amusement".

(b) The publication of any order, notice, or advertisement reasonably calculated to prevent or discourage the patronage or custom of persons of any race, color, creed, ancestry or national origin, as well as the actual exclusion or segregation of or discrimination against any person on account of race, color, creed, ancestry or national origin shall be deemed an unlawful distinction, discrimination, and restriction within the meaning of this Act. The production of any such order, notice, or advertisement purporting to be made by any person being the owner, lessee, operator, proprietor, manager, agent, or employee engaged in or exercising control over the operation of any public conveyance or any place of public accommodation, resort, entertainment, or amusement, shall be prima facie evidence in any civil or criminal action that the same was authorized and published by such person.

(c) The provisions and requirements of this Act shall bind and obligate every owner, lessee, operator, proprietor, manager, agent, and employee, whether natural person, corporation, or unincorporated association, engaged in or exercising control over the operation of

any public conveyance or any place of public accommodation, resort, entertainment, or amusement: provided, that whenever any agent or employee shall so exercise any function or employ any power with which he is charged or entrusted as to violate any provision of this Act, both he and his principal or employer shall be held equally responsible and liable.

(d) Nothing in this Act shall be deemed to prohibit the providing of separate accommodations or facilities for persons of different sex.

SEC. 3. No person, agency, bureau, corporation or association, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public entertainment and amusement as hereinafter defined shall refuse to admit to any public performance held at such place any person over the age of twenty-one years who presents a ticket of admission to the performance a reasonable time before the commencement thereof, or shall eject or demand the departure of any such person from such place during the course of the performance, whether or not accompanied by an offer to refund the purchase price or value of the ticket of admission presented by such person; but nothing in this section contained shall be construed to prevent the refusal of admission to or the ejection of any person whose conduct or speech thereat or therein is abusive or offensive or of any person engaged in any activity which may tend to a breach of the peace.

The places of public entertainment and amusement within the meaning of this section shall include but not be limited to legitimate theatres, burlesque theatres, music halls, motion picture houses, opera houses, concert halls and circuses.

SEC. 4. No person, agency, bureau, corporation or association employed or maintained to obtain or aid in obtaining positions for teachers, principals, superintendents, clerks or other employees in

the public schools of the State, and no individual or individuals conducting or employed by or interested directly or indirectly in such an agency, bureau, corporation or association, and no board of education, trustee of a school district, superintendent, principal or teacher of a public school or other official or employee of a board of education, shall refuse to employ or promote any person on account of race, color, creed, ancestry or national origin, or directly or indirectly ask, indicate or transmit orally or in writing the race, color, creed, ancestry or national origin of any person seeking employment or official position in the public schools of the State.

SEC. 5. It shall be unlawful for any public utility company, or a common carrier as defined by Sections _____ of the Statutes of _____ to refuse to employ or promote any person in any capacity in the operation or maintenance of a public service on account of the race, color, creed, ancestry or national origin of such person.

SEC. 6. It shall be unlawful for any person, firm or corporation engaged to any extent whatsoever in the production, manufacture or distribution of equipment or supplies for any public agency whether federal, state, or local to refuse to employ or promote any person in any capacity on account of the race, color, creed, ancestry or national origin of such person.

SEC. 7. As used in this section, the term "labor organization" means any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection. No labor organization shall hereafter, directly or indirectly, by ritualistic practice, constitutional or by-law prescription, by tacit agreement among its members, or otherwise, deny a person or persons membership in its organization by reason of his race, color, creed, ancestry or national origin,

or by regulations, practice or otherwise, segregate or deny to any of its members, by reason of race, color, creed, ancestry or national origin, equal treatment with all other members within such labor organization or in any designation of members to any employer for employment, promotion or dismissal by such employer.

SEC. 8. Any person who or any agency, bureau, corporation or association which shall violate any of the provisions of sections 1,3,4,5, or 6 or who or which shall aid or cause the violation of any of said provisions, and any officer or member of a labor organization, as defined by section 7, or any person representing any organization or acting in its behalf who shall violate any of the provisions of section 7 or who shall aid or cause the violation of any of the provisions of such section shall for each and every violation thereof be liable to a penalty of not less than one hundred dollars nor more than five hundred dollars, to be recovered by the person aggrieved thereby or by any resident of this state, to whom such person shall assign his cause of action, in any court of competent jurisdiction in the county in which the plaintiff or the defendant shall reside.

SEC. 9. Any person who or any agency, bureau, corporation or association which shall violate any of the provisions of sections 1,3,4,5, or 6 or who or which shall aid or cause the violation of any of said provisions, and any officer or member of a labor organization, as defined by section 7, or any person representing any organization or acting in its behalf who shall violate any of the provisions of section 7 or who shall aid or cause the violation of any of the provisions of such section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or shall be

imprisoned not less than thirty days nor more than ninety days, or both such fine and imprisonment.

SEC. 10. The Secretary of State shall revoke any license issued pursuant to the provisions and requirements of Section _____ of the Statutes of the State of _____ whenever it shall have been judicially determined that the licensee or person operating or doing business under said license has violated this Act in the course of such operation or business two times or more within any twelve-month period, No similar license shall be issued to the offending person or for the use of the place where said violations shall have occurred for a period of sixty days following such revocation. The provisions of this section may be enforced by an action of mandamus filed against the Secretary of State by any citizen of the State of _____.

SEC. 11. All persons within the jurisdiction of this state shall be entitled to the equal protection of the laws of this state or any sub-division thereof. No person shall, because of his race, color, creed, ancestry or national origin, be subjected to any discrimination in his civil rights by any other person or by any firm, corporation or institution, or by the state, or any agency or subdivision of the state. A person who shall violate this section is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars or more than five hundred dollars.

SEC. 12. The provisions of this Act are hereby declared to be separable. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

****

PERSONS ATTENDING LUNCHEON FOR ROGER BALDWIN

Atlanta University — February 3, 1945

Mr. William Y. Bell, Jr.
Southern Field Director
National Urban League
158 Auburn Avenue, N.E.
Atlanta, Georgia

Dr. Rufus E. Clement
President, Atlanta University
Atlanta, Georgia

Dr. Witherspoon Dodge
Regional Director
Fair Employment Practice Committee
10 Forsyth Street Building
Atlanta, Georgia

Mrs. Harry M. Gershon
Citizens' Fact-Finding Movement of Ga.
Forsyth Building
Atlanta, Georgia

Mr. Archie W. Graham
International Representative
United Steel Workers of America
Congress of Industrial Organizations
75 Ivy Street, N.E.
Atlanta, Georgia

Mr. John A. Griffin
Assistant to the President
Emory University
Atlanta, Georgia

Mr. John Hope II
Field Staff
F. E. P. C.
10 Forsyth Street Building
Atlanta, Georgia

Mr. Joseph Jacobs
Attorney-at-Law
William Oliver Building
Atlanta, Georgia

Dr. Guy B. Johnson
Executive Director
Southern Regional Council
Room 432, 63 Auburn Avenue, N.E.
Atlanta, Georgia

Mr. Howard Le Baron
National Labor Relations Board
Room 300, 10 Forsyth Street Building
Atlanta, Georgia

Mr. Frank McCallister
War Labor Board
Candler Building
Atlanta, Georgia

Dr. Ira De A. Reid
Associate Executive Director
Southern Regional Council
Room 432, 63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Mr. Philip Shulhafer
(Employer)
Montag Brothers Paper Company
Atlanta, Georgia

Mrs. Philip Shulhafer
(Active in League of Women Voters, etc.)
2636 Dellwood Drive, N.W.
Atlanta, Georgia

Mr. George Smith
West Georgia Teachers College
Carrollton, Georgia

Mrs. M. E. Tilly
Secretary of Christian Social Relations
Southeastern Jurisdiction, Methodist Church
1013 Highland View, N.E.
Atlanta, Georgia

Mr. Fred G. Wale
Director for Rural Education
Julius Rosenwald Fund
4901 Ellis Avenue
Chicago 15, Illinois

Tentative List of Persons Invited to Luncheon for Roger Baldwin

Atlanta University - February 3, 1945

Martin, E. M.
Walden, A. T.
Bell, W. Y., Jr.
Hamilton, Grace
Hope, John
Williams, E. B.
Clement, Dr. R. E.
Scott, C. A.
Moore - UTSEA
Matthews - Bell Bomber
Mays, Dr. B. E.
King, The Rev. M. L.
Reid, Dr. Ira De A.
Milton, L. D.
Shell, W. A.
Cochrane, Warren
Harris, Irene
Shulhafer, Mr. and Mrs.
Dodge, Witherspoon
Graham, Archie
Crawford, Bill
Sterling, Tom
White, Horace
May, Armand
Gossett, Lloyd
Gilman, Charlie

Smith, Lillian
Johnson, Guy
Wilkins, Josephine
Jacobs, Joe
McCallister, Frank
Abercrombie
Tilly, Mrs. M. E.
Griffin, John A.
Rainey, Glenn
Rumble, Rev. Lester
Russell, Dr. R. L.
Haas, Leonard
Gershon, Mrs. Rebecca
Mason, Miss Lucy
Fisher, Miss Margaret

GUY B. JOHNSON
EXECUTIVE DIRECTOR

IRA DEA. REID
ASSOCIATE EXECUTIVE DIRECTOR

HOWARD W. ODUM, PRESIDENT
P. B. YOUNG, FIRST VICE PRESIDENT
HOMER P. RAINEY, SECOND VICE PRESIDENT
CARTER WESLEY, THIRD VICE PRESIDENT

CHARLES S. JOHNSON
CHAIRMAN, EXECUTIVE COMMITTEE

EMILY H. CLAY
SECRETARY-TREASURER

SOUTHERN REGIONAL COUNCIL, Inc.

ROOM 432, 63 AUBURN AVENUE, N. E.
ATLANTA 3, GEORGIA

January 18, 1945

Mr. _____
Street
City, Name of State

Dear Mr. _____:

Roger Baldwin, Director of the American Civil Liberties Union, is making a tour of the South to discuss the problem of race relations with interested individuals and leaders of organizations in this field.

He is to be in Atlanta on Saturday, February 3, and a luncheon meeting has been arranged at 1 P. M. in the Atlanta University Dining Hall, 50 Chestnut Street, S.W.

We hope that you will be able to attend this luncheon and participate in the discussion. The fee is $1.00. A card is enclosed for your acceptance.

Cordially yours,

GUY B. JOHNSON
Executive Director

GBJ:m
Enclosure

February 7, 1945

Mr. Roger Baldwin
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Mr. Baldwin:

It was a great pleasure to have you here in Atlanta. I am sure that all those who attended the luncheon at Atlanta University found the discussion most illuminating. Mr. Frank McCallister told us that you would like to have the list of those present at the luncheon. This is enclosed.

I am also enclosing $1.00 which was sent in by Mr. J. E. Matthews, Vice-President of Local Union #10 of UAW-CIO. Mr. Matthews was unable to attend the luncheon but wanted to make a contribution to your work.

With best wishes,

Sincerely yours,

GUY B. JOHNSON
Executive Director

Enclosures - 2

$1.00 from Mr. Matthews
List of lunchees

AMERICAN CIVIL LIBERTIES UNION
170 FIFTH AVENUE
NEW YORK CITY

August 3, 1945

To the Members of the National Committee,
State Correspondents, Local Representatives,
and organizations in the race relations field:

Friends:

The Navy Department alone of all departments in the federal government still bars all its services to Japanese Americans. They are the only minority barred by the Navy. The excuses for this policy rest on grounds of practical military considerations, said to have been determined by commanding officers in the field. The restrictions even apply to service in the WAVES, where no military considerations could prevail. The reason given for that is that if they bar the men, they should in fairness also bar the women.

The Navy Department has made very considerable progress in opening up its services to Negroes and even in abolishing various forms of segregation. That was accomplished by insistent pressure. It would seem a reasonable prospect that wide protests might also overcome the barriers to the service of Japanese Americans.

We are, therefore, urging all interested individuals and organizations to address the Secretary of the Navy, Hon. James V. Forrestal, urging prompt consideration of the removal of the ban on the service of Japanese Americans. The arguments rest not only upon the obvious fairness of permitting the service of all loyal American citizens regardless of race, but also on the distinguished record of Japanese American troops on the fighting fronts of Europe and in the South West Pacific. The universal testimony of Army officers praises the Japanese American combat teams in the highest terms. Not a single case of espionage or sabotage has ever been reported on the part of any Japanese American, civilian or military.

Your prompt action would assist in overcoming the last general racial barrier in any federal service.

Sincerely yours,

Roger Baldwin

rnb:rs

April 19, 1946

Mr. Roger N. Baldwin
American Civil Liberties Union
170 Fifth Avenue
New York 10, N. Y.

Dear Mr. Baldwin:

Attached hereto is a blank which was filled in and should have been mailed to you some days ago. We regret that it has been delayed in reaching you.

The statement under "Purpose" is a portion of our charter. The Council might be described in fewer words, however, as "an organization devoted to economic advancement of the South and betterment of racial relations." The enclosed folder THE SOUTH IS YOURS will give you further information concerning the organization.

Cordially yours,

Emily H. Clay
Secretary-Treasurer

AMERICAN CIVIL LIBERTIES UNION
170 FIFTH AVENUE
NEW YORK CITY 10, N. Y.

April 9, 1946

SOUTHERN REGIONAL COUNCIL, INC.
ORGANIZATION

63 Auburn Avenue, N. E.
ADDRESS

Atlanta — 3 — Georgia
CITY — ZONE — STATE

Walnut 7963
TELEPHONE NUMBER

OFFICERS:

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P. B. Young	1st Vice President
Frank W. Spencer	2d Vice President
Carter Wesley	3d Vice President
Charles S. Johnson	Chairman, Executive Committee
Guy B. Johnson	Executive Director
Harold L. Trigg	Associate Executive Director
[illegible]	Secretary-Treasurer

[illegible] tion as an eleemosynary organization, and more particularly, to [illegible] and maintain a Regional Council for the improvement of economic, civic, and racial conditions in the South, in the endeavor to promote a greater unity in the South in all efforts toward regional and racial development; to attain through research and action programs the ideals and practices of equal opportunity for all peoples in the region; to reduce racial tension, racial misunderstanding, and racial distrust; . . . and to cooperate with [illegible]

file

American Civil Liberties Union

Founded 1920
Incorporated

156 FIFTH AVENUE, NEW YORK 10, N. Y. • ORegon 5-5990

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Benjamin H. Kizer (Wash.)
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Max Lerner (N.Y.)
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Patrick Murphy Malin (Turkey)
Prof. Robert Mathews (Ohio)
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Membership Director

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Administrative Assistant

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International Work Adviser

Dorothy Dunbar Bromley
Assistant Director

Rowland Watts
Special Counsel

Colleen Carmody
Membership Secretary

Leanne Golden
Executive Assistant

PA
MJ-file
Adm
Ga dept

January 22, 1963

Dr. Leslie Dunbar, Executive Director
Southern Regional Council
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Dr. Dunbar:

This is the first opportunity I have had since my visit to Atlanta to let you know how appreciative the Union is for the time and good advice you gave me when I spoke with you recently about the possibility of developing an ACLU affiliate in Atlanta. We are now evaluating the information that was collected to determine our next step. Hopefully, Mr. Pemberton will visit Atlanta in late March or early April to talk with our members and friends about the affiliate. We certainly will be in touch with you.

Sincerely yours,

Alan Reitman

Alan Reitman
Associate Director

AR:mr

of 2 Dunbar NC 385-2121 Georgia Chapter

American Civil Liberties Union

Founded 1920
Incorporated

156 FIFTH AVENUE, NEW YORK 10, N. Y. • ORegon 5-5990

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Leanne Golden
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Howard Whiteside
Edward Bennett Williams

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Thornton Wilder (Conn.)
Aubrey Williams (Ala.)
Marion A. Wright (N.C.)
Dean Benjamin Youngdahl (Mo.)

April 4, 1963

Mr. Leslie Dunbar
Southern Regional Council
5 Forsythe Street
Atlanta, Georgia

Dear Leslie:

Florida Civil Liberties Union has asked me to be there May 12, 13 and 14. Can I do you any good on the 15th or the 15th and 16th?

May 12th is a Sunday.

Alan Reitman joins me in sending good wishes and our sincere thanks for the hand you are taking in this.

Very sincerely,

Jade

John de J. Pemberton, Jr.
Executive Director

JdeJP'sk
cc: Alan Reitman

4/15/63

RECEIVED
APR 16 1963

ARRANGEMENTS REACHED RE FORMING AN ACLU
CHAPTER IN ATLANTA — LUNCH MEETING, APR 12 '63

There will be a dinner and public meeting on May 15th, to be addressed by Mr. Pemberton of the ACLU office in New York. While Mr. Pemberton is in town, we shall try to arrange for him to meet persons who would be interested in the ACLU.

The dinner meeting should be quite small; and its main purpose should be to honor the four national board members, Rufus Clement, Sylvan Meyer, Lillian Smith, and M.E. Tilly.

Arrangements will be carried out as follows:

1 Mailing: Mr. Moran

2. Contact with national office: Mr. Dunbar
(Get mailing list, clear date; see if literature is available; see if ACLU will cover mailing costs) [N.B. On 4/15/63 Mr. Dunbar did check with national and got affirmative answers on all these matters.]

3 Reserve place Mr Sanford.

4 Sign invitation: Those present plus those invited but not present, so far as they indicate a willingness by telegraphing Mr. Moran; each national board member.

5. Contact key persons. As indicated on attached list of names:

DeJongh Franklin
Louis Regenstein
Hamilton Lakey
E. Smythe Gambrell

Mr. Sanford

Ralph McGill
Celestine Sibley
Frances Pauley
James Dorsey

Mrs. Green

David Comer
Eugene Patterson
Waldo Sorrell
Donald Agnew
Henry Bowden

Mr. Ladd

Alva Lines
Robt Troutman, Jr
George Goodwin
Bradley Curry
Leonard Barkan
Abe Goldstein
[redacted]
Harry Elson
Maurice Maloof
Rev. Austin Ford
Cecil Alexander

Mr. Fisher

Tillman Cothran
R.A. Thompson
Donald Hollsell
Horace Mann Bond
C.A. Bacote

Mr Brazeal

Pat Watters
James McKay
Sara Mitchell
Frederick Robin

Mr. Moran

Dr. Alfred Weinstein

Mr. Dunbar

PERSONS PRESENT AT INFORMAL MEETING
TO TALK ABOUT A GEORGIA CHAPTER OF ACLU
April 12, 1963

1. Mrs. Neil Morau (Charlotte) DR 3-6832
1802 E. Clifton Rd., NE; Atlanta 7

2 B. R. Brown
193 Ashby St. S.W. Atlanta 3, Ga. Plaza 5-1834

3 Ted V. Fisher
916 Ashby STR NW — OFF
Atlanta, 18, Ga. — TR 2-0721
3778 Narmore Rd NE — home
Atlanta 19, Ga — CE7-1936

4 Mrs. Donald Ross Green, Jr. (Mary)
1419 Cornell Rd. NE DR 7-1069
Atlanta 6, Ga.

5 Julia W Glenn
1529 Berkeley Lane, N.E. Ine 4-0182

6 Morgan Sanford

7 Edward T. Lodd
1236 Springdale Rd NE OFFICE: DR 3-1121, 53
HOME: DR 7-7755

INVITED BUT NOT PRESENT

8 Benjamin E. Mays, President, Morehouse Coll.

9 Joseph E. Haas, 1st Nat'l Bank Bldg.

10 Eric Lincoln, Dept of Sociology, Clark College.

1236 Springdale Road, N. E.
Atlanta, Georgia
April 17, 1963

Dr. Rufus E. Clement
President
Atlanta University
Atlanta, Georgia

Dear Dr. Clement:

As you may know, some time ago Mr. Alan Reitman spent several days in Atlanta exploring the possibility of organizing an Atlanta or Georgia chapter of the American Civil Liberties Union. Mr. Reitman was encouraged by conversations he had while here, and after his return he asked several of us to continue to think about the matter and to take preliminary steps toward organizing.

I have the pleasure of reporting to you and the other Georgia members of the ACLU National Committee that arrangements are being made now for a visit to Atlanta by Mr. John DeJ. Pemberton, May 15 and 16. We are planning a public meeting May 15 which Mr. Pemberton will address. We are also planning a private dinner beforehand, to welcome him to Georgia and to honor you and the other National Committee members, who are, as you know, Miss Lillian Smith, Mrs. M. E. Tilly, and Sylvan Meyer.

We do hope that you and Mrs. Clement will have the evening of May 15 free, and will be with us for what we hope will be the beginning of a strong ACLU chapter. As soon as we make arrangements about time and place, we shall write to you further.

Announcements of the meeting will go out in a few days to all residents of Georgia who are members of the ACLU (of whom Mr. Reitman informs us there are nearly 200), and also to a large number of other persons.

Serving with me on the ad hoc local arrangements committee have been Mrs. Donald Ross Green, Mrs. Neil Moran, Dean B. R. Brazeal, Leslie W. Dunbar, Ted V. Fisher, Eric Lincoln, and Morgan Sanford.

As this organizational effort proceeds, I am sure that we shall need to call on you for guidance and counsel.

With best regards,

Sincerely yours,

Edward T. Ladd

ETL/mmj

1236 Springdale Road, N. E.
Atlanta, Georgia
April 17, 1963

Miss Lillian Smith
Commander Apartments, #103
3946 St. Johns Avenue
Jacksonville, Florida

Dear Miss Smith:

As you may know, some time ago Mr. Alan Reitman spent several days in Atlanta exploring the possibility of organizing an Atlanta or Georgia chapter of the American Civil Liberties Union. Mr. Reitman was encouraged by conversations he had while here, and after his return he asked several of us to continue to think about the matter and to take preliminary steps toward organizing.

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I know that you have not been always free to travel lately, but if you could be in Atlanta for this occasion we would all be delighted and honored. If you cannot, everyone will of course understand, and would be appreciative of any message you might send us.

Announcements of the meeting will go out in a few days to all residents of Georgia who are members of the ACLU (of whom Mr. Reitman informs us there are nearly 200), and also to a large number of other persons.

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With best regards,

Sincerely yours,

Edward T. Ladd

ETL/mmj

Same ltr. sent to Mrs. M. E. Tilly also

See ACLU - Ga. Chpt

1236 Springdale Road, N. E.
Atlanta, Georgia
April 17, 1963

Mr. Sylvan Meyer
Editor
Gainesville Daily Times
Gainesville, Georgia

Dear Mr. Meyer:

As you may know, some time ago Mr. Alan Reitman spent several days in Atlanta exploring the possibility of organizaing an Atlanta or Georgia chapter of the American Civil Liberties Union. Mr. Reitman was encouraged by conversations he had while here, and after his return he asked several of us to continue to think about the matter and to take preliminary steps toward organizing.

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Announcements of the meeting will go out in a few days to all residents of Georgia who are members of the ACLU (of whom Mr. Reitman informs us there are nearly 200), and also to a large number of other persons.

Serving with me on the ad hoc local arrangements committee have been Mrs. Donald Ross Green, Mrs. Neil Moran, Dean B. R. Brazeal, Leslie W. Dunbar, Ted V. Fisher, Eric Lincoln, and Morgan Sanford.

As this organizational effort proceeds, I am sure that we shall need to call on you for guidance and counsel.

With best regards,

Sincerely yours,

Edward T. Ladd

ETL/mmj

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American Civil Liberties Union

Founded 1920
Incorporated

156 FIFTH AVENUE, NEW YORK 10, N. Y. • ORegon 5-5990

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Membership Secretary

Leanne Golden
Executive Assistant

April 22, 1963

Mr. Leslie Dunbar, Executive Director
Southern Regional Council, Inc.
5 Forsyth Street N.W.
Atlanta 3, Georgia

Dear Leslie:

Alan Reitman has told me of confirming my visit with you over the phone last week, and has passed along the details of your organizing session. This note is just to say that I look forward to seeing you on May 15, and appreciate immensely all that you have done to make the May 15 meeting possible.

Very sincerely,

John de J. Pemberton, Jr.
Executive Director

JdeJP'sk
cc: Alan Reitman

15 copies

April 22, 1963
Atlanta, Georgia

To all Georgia members-at-large of the American Civil Liberties Union:

Mr. John de J. Pemberton, Jr., the executive director of the ACLU, will be visiting in Atlanta on May 15th and 16th. He will speak at a ~~public~~ meeting to be held on Wednesday, May 15th at 8:00 PM in the auditorium of the Life of Georgia building, 573 W. Peachtree Street (entrance on Linden Street). Since the primary purpose of his trip here is to explore the possibilities of establishing a Georgia chapter of the ACLU, it is hoped that at this time our members and interested friends will be able to arrive at a position of support for an active group.

We sincerely hope that you will be able to attend this important meeting, and ~~with~~ give ~~us~~ your help in the formation of our ~~area~~ Georgia ACLU affiliate.

Signed: (10) Stanford (9) Moran
(1) Todd, chairman of the planning committee (4) Fisher
(3) Dunbar (2) Brazeal
(5) Green (8) Mays: ok
(6) Haas: ok (12) Lincoln

both to hear Mr. Pemberton discuss problems of civil liberties, and to

Pd entry today

JW 8-4223 - AU Center

Mr. Mays - JA.5-6831
Mr. Haas -

1500

April 12, 1963
Atlanta, Georgia

The American Civil Liberties Union has for more than 40 years played an important role in defending our basic democratic freedoms as established in our Constitution. By its legal, legislative, and educational work it has endeavored to maintain for everyone the rights of free speech and association, the right of due process of law, and the right of equality before the law.

The executive director of the ~~ACLU's national office in New York,~~ ACLU Mr. John de J. Pemberton, will be visiting Atlanta May 15th and 16th, and on Wednesday, May 15th at 8 pm in the auditorium of the Life of Georgia building - 673 W. Peachtree Street - he will speak at a meeting of Georgia ACLU members and their interested friends.

~~Since the~~ A primary purpose of his trip is to ~~discuss the formation of~~ explore opportunities for organizing an active Georgia chapter of the ACLU (at present there are only members-at-large within the state), ~~it is hoped that at this time a position of support for an effective ACLU affiliate may be reached.~~

Because of your interest in ~~responsible~~ citizenship, ~~both governmental and individual,~~ we sincerely hope that you will be able to attend ~~this meeting and participate in our discussion with Mr. Pemberton.~~

Sincerely, see other letter

and hear Mr Pemberton's discuss problems of civil liberties in the United States today.

April 30, 1963

Dear Mr. Fisher:

Enclosed, as promised by telephone, is a letterhead for the ACLU showing its National Committee and Board of Directors. I'm sure this will serve your purpose.

Sorry, we have no sample copies of ACLU promotional materials, except "Goals for 1963" which you already have.

Sincerely,

Mr. Ted V. Fisher
c/o Puritan Company
916 Ashby Street, N. W.
Atlanta, Georgia

// When promotional materials arrive call Fisher to see how many he'd like to have.

1 each
Mailed 5/10/63
at his home

MKJ/
enclosure - 1.

American Civil Liberties Union

Mr. Dunbar
Georgia

RECEIVED
MAY 6 1963

PROGRESS REPORT

(Note: This report is for those working on the plans for the first meeting; it is not for publication or general distribution.)

Meeting on Wednesday, May 15th. The meeting for all interested persons will be at 8:00 p. m., on Wednesday, May 15th, in the auditorium of the 7th floor of the Life Insurance Company of Georgia Building, 573 West Peachtree Street (Linden St. entrance). John deJ. Pemberton, Jr., national Executive Director, will be the speaker. Depending on the extent of participation and interest, first steps will be taken toward the establishment of a Georgia chapter.

Invitations to the meeting. These are being sent out under the general supervision of Mrs. Charlotte Moran, 1802 East Clifton Road, N. E., (DR 7-6832). Contact her with individual names or lists of names of persons who should be invited, or requests for copies of the invitation letter.

Printed materials about the ACLU. These are very helpful for persons not familiar with the ACLU. They can be obtained in quantity from Mrs. Mildred Johnson, c/o Southern Regional Council, 5 Forsyth Street, N. W. (522-8764).

Dinner before the meeting. Those who have been working on the project are invited to a dinner before the meeting, to honor the four Georgia members of the National Committee and to welcome Mr. Pemberton. The dinner will be at 6:00 p. m., at the Progressive Club, 1050 Techwood Drive, N. W. The charge per person will be $3.54, payable in advance when the reservation is made. Send reservations and checks as early as possible to Mrs. Johnny Glustrom, 1860 Wellbourne Drive, N. E., Atlanta 9 (TR 2 -8402). Please feel free to invite to this dinner other key persons you know who are already interested in the ACLU and may be able and willing to make a significant contribution to the building of a chapter. Leaders in the press, radio, and TV will be welcome.

Publicity. This is being handled by Mrs. Frederick E. Robin, 926 Crane Road, N. E. (CE 7-2071). Contact her with information, suggestions, or offers of help.

This progress report. Additional copies are available for sending to potentially key people (not the press). Get in touch with Edward T. Ladd, Division of Teacher Education, Emory University, Atlanta 22 (DR 3-1621, ext 591, 592) or 1236 Springdale Road, N. E. (DR 7-7775).

May 3, 1963

May 7, 1963

Mr. Ray Moore
WSB-TV
Atlanta, Georgia

Dear Ray:

This is to put in writing the information I mentioned to you over the telephone about the American Civil Liberties Union.

Mr. John deJ. Pemberton, Jr., national Executive Director, will be in town next Wednesday, May 15th, for a day or two, talking with interested persons. He will speak to an open meeting at the Life of Georgia auditorium at 8:00 p.m. that evening.

Mr. Pemberton will be welcomed at an invitational dinner at the Progressive Club at 6:00 p.m., the major purpose of which will be to honor the four Georgia members of the ACLU National Committee. Interested members of the press will be welcome.

Mrs. Frederick E. Robin, 926 Crane Road, N.E., is handling the publicity for Mr. Pemberton's visit.

I am asking to have printed materials about the ACLU sent to you under separate cover.

We appreciate your interest in this matter, which we believe may have real significance for the future of Georgia.

Yours sincerely,

Edward T. Ladd
Director

ETL:hs
CC: Mrs. Robin
Mrs. Johnson ✓

(transcribed May 8th)

1236 SPRINGDALE ROAD, N. E.
ATLANTA 6, GEORGIA

Dear Mr. ~~Wilbur~~ Johnson,

Could you insert some informative material about The ACLU in each of these and mail them?

Thank you.

Ella Ladd

Done 5/10/63

Wed. May 8th, 1963.

Same ltr. mailed to: Celestine Sibley, Reg Murphy, Gene Patterson, Jack Nelson, all at Atlanta Constitution; Walter Rugaber, Jack Spalding, Fred Powledge, Pat Watters, all at Atlanta Journal.

Emory University
Division of Teacher Education
Atlanta 22, Georgia
May 10, 1963

Mr. Ralph McGill
Publisher
The Atlanta Constitution
10 Forsyth Street, N. W.
Atlanta, Georgia

Dear Mr. McGill:

The formation of a small chapter of the American Civil Liberties Union is not a headline-making event in the ordinary sense. But in the long run, the existence of such a chapter in Georgia will certainly affect future positions on such crucial matters as:

1. should there be any book, magazine, or movie censorship — whether pre-censorship at the source, or by local civic boards of censors;

2. what constitutes freedom of expression on college campuses;

3. Do we provide adequate legal safeguards for helpless individuals who get in trouble with the law?

4. should classroom prayers in public schools be eliminated;

5. whose rights should prevail when the rights of individual property owners conflict with the rights of minority groups -- as in cases of restaurant segregation.

The Civil Liberties Union, as you know, constantly deals with these issues which generate such heated emotions. But it brings to them no partisan bias, no commitment to any pressure group. It acts solely in behalf of the individual rights of every American citizen as spelled out in the Bill of Rights. For this reason, Union positions and test cases have great influence and frequently set new legal precedents.

We invite you to be with us as our guest at a dinner meeting at the Progressive Club on May 15th at 6:00 p.m., when the Georgia Civil Liberties Union will be born. At this small private dinner, which precedes a large open meeting, you will have an opportunity to talk with the Union's National Executive Director, John De J. Pemberton, Jr., as he sets forth briefly the Union's general goals and discusses with the Civil Liberties Planning Committee what specifically can be achieved in Georgia.

If you wish to attend, please call Mrs. Robin, our Acting Publicity Director at CE. 7-2071. She will make certain that a place is reserved for you.

Sincerely yours,

Edward T. Ladd
Temporary Chairman
Civil Liberties Planning Committee

ETL/mmj
Enclosure - 1. (Press release)

May 10, 1963

Mrs. G. Ray Mitchell
3986 Club Drive, N. E.
Atlanta, Georgia

Dear Mrs. Mitchell:

Mr. Ladd has asked that I send to you the enclosed pieces of promotional materials for the A.C.L.U.

Sincerely yours,

(Mrs.) Mildred Ml Johnson
Secretary to the Director

MMJ
Enclosures -3.

May 10, 1963

Mr. Ray Moore
WSB-TV
Atlanta, Georgia

Dear Mr. Moore:

Mr. Ladd promised, in his letter to you of recent date, that sample copies of promotional materials from the American Civil Liberties Union would be sent you. These are enclosed. If additional copies are needed, please let me know, and I shall be glad to get them to you.

Sincerely yours,

(Mrs.) Mildred M. Johnson
Secretary to the Director

MMJ
Enclosures - 4.

Lwd - fyi

All Staff

NEWS RELEASE

FOR RELEASE ON RECEIPT

Call: Florence B. Robin
CE. 7-2071

$3.54 each

Date: May 10, 1963

A public meeting to establish the Georgia chapter of the American Civil Liberties Union will take place on Wednesday, May 15th at 8:00 p.m., at the Life Insurance Company of Georgia Building. John de J. Pemberton, Jr., National Director of the Union will be the speaker.

The Civil Liberties Planning Committee also announced that there would be a dinner preceding the meeting to welcome Mr. Pemberton and to honor the four Georgia members of the Union's National Committee -- Mrs. Dorothy Tilly, Dr. Rufus Clement, Miss Lillian Smith and Mr. Sylvan Meyer. Georgia members of the President's Advisory Board on Civil Rights, of which Mr. Meyer is chairman, will also be guests. The dinner meeting will be held at the Progressive Club at 6:00 p.m.

In announcing the formation of a Georgia chapter, Professor Edward T. Ladd, temporary chairman of the Civil Liberties Planning Committee stated:

"The only purpose of the American Civil Liberties Union is to defend and promote the liberties of each American citizen as set forth in the Bill of Rights. In Georgia, as elsewhere, there is a great need for a dispassionate voice to speak up for the rights of all without partisan bias, whether the issue concerns censorship, academic freedom, minority rights or religious freedom."

MA ✓
BP ✓
JT ✓
MI ✓
MM ✓
MG ✓
MH ✓
E.D.G. ✓
MET ✓
RH ✓
BCC ✓
RB ✓
PA

Dr. Ladd noted that while the Union has frequently defended the rights of extremist groups, its by-laws specifically prohibit totalitarians of either left or right from holding positions in the Union.

Other members of the Planning Committee are Dean B. R. Brazeal, Dr. Leslie W. Dunbar, Mr. Ted V. Fisher, Mrs. Donald R. Green, Professor C. Eric Lincoln, Mrs. Neil Moran and Mr. Morgan C. Stanford.

- : -

JOHN DE J. PEMBERTON, JR.
EXECUTIVE DIRECTOR
AMERICAN CIVIL LIBERTIES UNION

OFFICE
156 FIFTH AVENUE
NEW YORK 10, N. Y.
—
OREGON 5-5990

HOME
20 PROSPECT DRIVE
CHAPPAQUA, NEW YORK

May 12

Dear Res,

I've gotten a reservation on Eastern flight #500 from Jacksonville, arriving in Atlanta at 10^43 A.M. I will call you on arrival — please don't let anyone take time out of a busy schedule to meet me. When I call I can perhaps learn from you any suggestions you may have for calls to make that day or otherwise to put me to work.

Again, so many thanks for all you're doing.

Very sincerely,

Jack

WSB-TV

distributed at Dem ACU meeting 5/13/63

FORMER FBI COUNTERSPY, KARL PRUSSIAN, STATES "THE AMERICAN CIVIL LIBERTIES UNION IS THE STRONGEST RIGHT ARM OF THE COMMUNIST CONSPIRACY IN AMERICA."

In this age of idealogical and nuclear warfare, subversion has progressively replaced traditional warfare as a positive instrument of enemy attack. It is of paramount importance therefore that each individual knows that he has become a front line troop in this battle for survival of freedom.

Subterfuge, lies and deceit are major weapons of the enemy. We must carefully analyze all group action to determine the real aims and objectives.

The Communist conspiracy has for years hidden behind fronts designed to ensnare and trap the unsuspecting. Fortunately we are becoming more suspect. We are learning the enemies technique.

Those of you who have not heretofore researched the American Civil Liberties Union are urged to do so! Find out what it really stands for and why the American Legion at its National Convention requested Congressional investigation of the organization. Don't join to be a joiner. Let the ACLU explain its record of:

Opposing loyality oaths

Defending Fascist and Communist causes

Seeking to abolish the House Committee on Un-American Activities

Seeking to abolish the FBI

Opposing all restrictions and laws regulating the sale of obscene literature

Endorsing the Foreign Policy Association.

for Acku

May 16, 1963

Mr. Oscar W. Kimsey
1094 Main Street
Forest Park, Georgia

Dear Mr. Kimsey:

As you requested on the telephone yesterday, I am enclosing copies of the ACLU promotional materials.

If I may be of further assistance to you, please let me know.

Sincerely yours,

(Mrs.) Mildred M. Johnson
Secretary to the Director

MMJ
Enclosures - 3.

1236 Springdale Rd., N. E.
Atlanta 6, Georgia

Friday, May 17th, 1963

Dear fellow-member of the Interim Planning Committee:

I'm sure you will agree that to capitalize on the momentum gained on Wednesday evening we should proceed promptly to enlarge our group and get the organizational work done.

Would you, therefore, please block out on the attached sheet all the times for a committee meeting that would be impossible, and get the sheet into the mail in time to reach me on Monday or Tuesday morning. I shall then call a meeting right away.

Please be thinking about persons to add to the committee. Pemberton will send sample constitutions.

Yours sincerely,

Edward T. Jadd

RECEIVED
MAY 20 1963

Joan mailed 5/20/63

~~Preferences~~ Available

May 27
May 28
" 29

8:15 - 10:00 pm

June 3
" 4
" 5

8:15 - 10:00 pm

Included in key conference room clear

EMORY UNIVERSITY
Atlanta 22, Ga.

RECEIVED
MAY 27 1963

MEMO TO: Members, Interim Planning Committee, Georgia ACLU

FROM: Edward T. Ladd

We have narrowed down the meeting time for the ACLU planning session to lunch-time on either Tuesday, June 4, or Wednesday, June 5. (I hope to be able to let you know by next Monday which it will be.) Mr. Dunbar has invited us to meet and eat at his office, 5 Forsyth Street, directly across the street from the Journal-Constitution. This is an important meeting; please plan to be there if at all possible.

ETL

ETL:ph

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Max Lerner (N.Y.)
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James G. Patton (Colo.)
A. Philip Randloph (N.Y.)
Elmo Roper (N.Y.)
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Leanne Golden
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Louise C. Floyd
Administrative Assistant

Colleen Katsowitz
Membership Secretary

Aryeh Neier
Field Development Officer

MJ

August 23, 1963

Dr. Leslie W. Dunbar
Executive Director
Southern Regional Council
5 Forsyth Street, N.W.
Atlanta 3, Georgia

Dear Dr. Dunbar:

Mr. Reitman has asked me to tell you that I have been unable to locate the memorandum by Daniel Pollitt which you and he spoke of in your telephone conversation today. I am not sure where Mr. Pemberton filed his copy of it; he may, in fact, have it with him in Minnesota. Mr. Reitman would very much appreciate, therefore, your sending him another copy as soon as possible. Please forgive this inconvenience.

Sincerely yours,

(Mrs.) Sandra Iger Kohler
Secretary to Mr. Pemberton

Washington Office — 1101 Vermont Avenue, N.W., Washington 5, D.C.; Lawrence Speiser, *Director*; Julie N. Barrows, *Executive Assistant*

With organized affiliates in twenty-seven states and 800 cooperating attorneys in 300 cities of 48 states

448

MINUTES OF STEERING COMMITTEE MEETING
GEORGIA AFFILIATE
AMERICAN CIVIL LIBERTIES UNION
Monday evening, September 3, 1963
Edward Ladd's Home--1236 Springdale Road, N.E., Atlanta

Present: B. R. Brazeal, Leslie Dunbar, Marian Glustrom, Virginia Harbin, Edward T. Ladd, Charlotte Moran, John B. Morris, Frances Pauley, Eleanor Richardson, Florence B. Robin

The meeting was called to order by Edward Ladd, Chairman, who filled the Committee in on what has happened since the general meeting in the spring. In accordance with the wishes of the general membership the Steering Committee has been enlarged and a nominating and constitution committee have been appointed.

Mr. Brazeal, Chairman of the Constitution Committee, distributed copies of the constitution as drafted by his committee. The constitution was read, discussed, and certain changes made. Frances Pauley is to have copies mimeographed for the membership and they are to be mailed along with notices of the next meeting plus the ballot for officers.

Mr. Dunbar presented the following slate of officers for approval:

President: Elliot Levitas has been asked but has not yet accepted.
First Vice President: Donald Hollowell
Second Vice President: Sylvan Meyers
Secretary: Eleanor Richardson
Corresponding Secretary: Patsy Morris
Treasurer: Edward Ladd

If Mr. Levitas does not accept, the Nominating Committee is to select someone else whom it considers appropriate and his name is to be placed on the ballot. It was agreed that a lawyer should be the chairman if it is at all possible.

The general membership is to be asked to submit names for the Board of Directors so that we can get representation throughout the state and the Board will be elected at the membership meeting.

It was decided that biographical information should accompnay the names of the officers on the ballot.

It was moved and seconded that the length of time of service of each member of the first Board of Directors shall be determined by lot on the occasion of their first meeting in order to have staggered terms for the directors.

It was moved and seconded that we have a general membership meeting as soon as possible and that Mr. Ladd appoint two members of the Committee to assist him in planning for the meeting.

The correspondence was read by Mr. Ladd and the following letters were discussed:

1. A letter has been written to the Young Republican Club concerning the alleged "ugly" remarks that had been made at one of their meetings about the American Civil Liberties Union. No reply has been received.

(Over)

2. The Jewish Educational Alliance in Savannah is looking for a speaker for their Civil Liberties Meeting, and Frances Pauley is to help find them one.

It was decided that the general membership meeting should have substance rather than be just a business meeting. It was thought that perhaps the program could center around various areas which could be the concern of the Georgia chapter. Interested people are to be invited and membership dues will be accepted at the meeting.

The meeting was adjourned at 10:30 p.m. by Mr. Ladd.

Marian Glustrom

Later Notes:

1) The Nominating Committee has settled on Edward Ladd as nominee for President and Robert Cohn as nominee for Treasurer.

2) The membership meeting is being called for 8:00 p.m., Wednesday, November 20th, in Rooms 304-305, YWCA, 72 Edgewood Avenue, N.E., Atlanta.

3) Charlotte Moran (mailing) and Florence Robin (program) are assisting in arrangements for the meeting.

4) Morgan C. Stanford has agreed to speak to the Jewish Educational Alliance in Savannah.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK 10, N.Y.

SB - for info
MJ - file

Read 9/6/63

September 4, 1963

Mrs. Joyce Bermel
Harper's Magazine
49 East 33rd Street
New York, New York

Dear Mrs. Bermel:

I was delighted to talk with you this afternoon about the possibility of Professor Dan Pollit's article appearing in Harper's Magazine. We couldn't think of a better publication to present the issue of the right to counsel for the unpopular client. As I explained, Professor Pollit does plan to use this article for the Duke University's Law and Contemporary Problems, as a law review article, but I am sure that if Harper's decides it wants to publish the piece, we can work out the problem of timing.

Because of our desire to move ahead on this project, I hope that you will be able to give us a prompt reaction.

Sincerely yours,

Alan Reitman
Associate Director

ccs: Dr. Leslie Dunbar
Mr. John de J. Pemberton, Jr.

Also
Amer. Civil Lib. Union
(Ga. chpt)

5 Forsyth Street, N. W., Rm. 201
Atlanta, Georgia
September 20, 1963

Mr. Maurice N. Maloof
Healey Building
Atlanta, Georgia

Dear Mr. Maloof:

I was asked by Ed Ladd to chair the Nominating Committee to propose officers for the Georgia Chapter of the American Civil Liberties Union, which you and I and a number of others hope to get launched this fall.

The Committee met with me, and the unanimous choice of the Committee members for the first presidency of the new chapter was you.

I might note that the Committee, in turning to you, di so chiefly because of the high regard it had for you: and secondly because of its conviction that, at least initially, the chapter would be greatly strengthened by having a lawyer at its head.

Incidentally, the Nominating Committee met several weeks ago and I have been very dilatory in approaching persons for their consent to have their names placed in nomination. In the course of the days, however, I have run into three selectees, all of whom have agreed. You will, I think, be helped in making your own decision by knowing that Sylvan Meyer has agreed to accept a vice-presidency; Mrs. Eleanor Richardson, immediate past President of the DeKalb County League of Women Voters, will accept as recording secretary; and Mrs. John Morris will accept as corresponding secretary.

I do hope that you will assume this responsibility for leadership. If you would need

to discuss it, my office telephone is Ja. 2-8764 and my home telephone is Me. 4-0182.

With all good wishes,

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj
cc: Mr. Harry Elson

October 7, 1963

Dr. Ed Ladd
Division of Teacher Education
Emory University
Atlanta 22, Georgia

Dear Ed:

I was in New York on October 2 and went by the ACLU office. Alan Reitman asked me to bring back to you the enclosed memoranda, etc., about Mr. Ashton Jones.

Alan also suggested that we send to him a draft copy of the proposed Constitution so that they could look it over in advance to make sure there are no bugs in it. I think this would be a good idea.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj
Enclosures

Nov. 20, 1963

ACLU of GEORGIA

Ballot for members of Executive Committee

✓ C. A. Bacote

___ Frank Cunningham

✓ Leslie Dunbar

___ Ted V. Fisher

___ ~~George~~ Eugene Gadsden

✓ John Glustrom

___ Vincent Harding

✓ Elliott Levitas

___ George Hayes

___ Leroy Loemker

✓ Maurice Maloof

___ Rachel Parker

___ Jack Patterson

✓ Frances Pauley

___ Nan Pendergrast

✓ Florence Robin

✓ Morgan C. Stanford

✓ Harry Steinmetz

___ Edward Vinson

___ John Yungblut

___ Harry Elson

___ Mrs. Edward Mackay

___ ~~Mrs. Morgan Grant~~

✓ ~~Mrs. Helen Ballard~~

___ _____

~~Ann Pendergast~~ X

Florence Robin

Morgan Standford ✓

Harry Steinmetz

~~Edward Vincent~~ X

~~John Youngblut~~ X

Harry Elson ✓

Ann Edward Mackay ✓

Ann Morgan Grant

Courtesy—TUCKER-CASTLEBERRY PRINTING, INC. • JAckson 5-8654

C. A. Bacote

~~Frank Cunningham~~ X

Pearlie Chambers

Ted Fisher ?

Eugene Gaddes

John Gluntom

~~Vincent Harding~~ X

Elliott Levitas

George Hayes

~~Leroy Lockhart~~ X

Maurice Malone

Rachel Parker

Jack Patterson

Frances Pauley

Courtesy—TUCKER-CASTLEBERRY PRINTING, INC. • JAckson 5-8654

ACLU of Georgia
November 20, 1963

President: Edward T. Ladd, 1236 Springdale Rd., N.E., Atlanta 6, DR 7-7775
(Office: Emory University, DR 7-2411, extension 593)
1st Vice-President: Donald L. Hollowell, 2840 Dale Creek Dr., N.W., Atlanta 18, 844-2877
(Office: 859½ Hunter St., S.W., JA 5-8372)
2nd Vice-President: Sylvan Meyer, , Gainesville, Ga.,
(Office: c/o The Daily Times, Press-Radio Center, Gainesville, 532-6211)
Secretary: Mrs. M. E. Richardson, 755 Park Lane, Decatur, ME 6-5892

Corresponding Secretary: Mrs. John B. Morris, 4655 Jett Rd., N.W., Atlanta 5, 255-0778
(Office: Episcopal Society for Cultural & Racial Unity, 5 Forsyth St., N.W., 525-7975)
Treasurer: Robert Cohn, 3037 Mornington Dr., N.W., Atlanta 5, CE 7-9542
(Office: 1065 Gordon, S.W., 753-1151)

Board members: C. A. Bacote, 1029 Simpson Rd., N.W., Atlanta, 521-1249

Miss Helen Bullard, 199 11th St., N.E., Atlanta 9, TR 4-3986

Leslie W. Dunbar, 1529 Berkeley Lane, N.E., Atlanta 6, ME 4-0182
(Office: Southern Regional Council, 5 Forsyth St., 522-8764)
John Glustrom, 1860 Wellbourne Ave., N.E., Atlanta 9, TR 2-8402
(Office: Bank of Ga. Bldg., 688-3703)
Elliott H. Levitas, 1352 Jody Lane, N.E., Atlanta 6, 636-9803
(Office: Fulton Federal Building, 525-2991)
Maurice Maloof, 55 Delmont Dr., N.E., Atlanta 5, CE 3-7211
(Office: Healey Building, 525-3471)
Mrs. William C. Pauley, 943 Clifton Rd., N.E., Atlanta 7, DR 3-6735
(Office: Ga. Council on Human Relations, 41 Exchange Pl., S.E., 525-6468)
Mrs. Frederick Robin, 926 Crane Rd., N.E., Atlanta 5, CE 7-2071

Morgan C. Stanford, 3 Lakeshore Dr., Avondale Estates, Ga., 377-8845
(Office: Candler Building, JA 3-2525)
Harry Steinmetz, 855 Fair St., S.W., Atlanta 14, 755-4101
(Office: Morehouse College, 524-2330

AMERICAN CIVIL LIBERTIES UNION OF GEORGIA

All ACLU members are urged to attend the organizational meeting of the state affiliate!

file

Wednesday, November 20th, 1963, at 8:00 p. m.

Y. W. C. A. (Rooms 304-305)

72 Edgewood Avenue, N. E.

Atlanta

Important

1. A draft constitution has been prepared by a subcommittee consisting of B. R. Brazeal (Chairman), Maurice Maloof, Charlotte Moran, and Morgan C. Stanford and approved by the Steering Committee. It will be submitted to this organizational meeting. A copy is enclosed. Please look it over in advance and bring it with you.

   The national office has informed us that some such clause as the following must be added: "All officers and members of the Board of Directors and members of all committees shall conform to the requirements of the 1960 resolution of the American Civil Liberties Union, Inc., relating to governing personnel." Such an amendment will be presented from the floor.

2. A slate of officers has been drawn up by a subcommittee consisting of Leslie Dunbar (Chairman), Harry Elson, Marian Glustrom, and Frances Pauley. This slate has been approved by the Steering Committee and will be submitted to the organizational meeting. Names and some biographical information are enclosed.

3. Members of the Board of Directors will be elected at the meeting. ACLU members are hereby invited to make nominations on the enclosed form. The Steering Committee urgently requests nominations of persons fom all over the state. Be sure that persons you are nominating are willing to serve. Members of the Steering Committee recommend that ten positions on the Board be filled at this juncture.

4. Florence Robin is arranging for a panel presentation on

   "Pressing Civil Liberties Issues in Georgia Today"

All members are urged to come and to bring with them other persons interested in joining the ACLU.

THE STEERING COMMITTEE

B. R. Brazeal
Leslie W. Dunbar
Harry Elson
Ted V. Fisher
Marian Glustrom, Secretary
Mary R. Green
Joseph F. Haas
Virginia R. Harbin
Edward T. Ladd, Chairman
C. Eric Lincoln
Maurice Maloof
Benjamin R. Mays
Charlotte Moran
John B. Morris
Frances Pauley
Eleanor Richardson
Florence Robin
Morgan C. Stanford

file

ACLU - Atlanta

1236 Springdale Rd., N.E.
Atlanta, Georgia 30306
November 26, 1963

Dear Officer or Board Member:

I hope it has helped you withstand the savage blows of the past days to know that it is to strengthen constitutional processes that we in the ACLU of Georgia have just banded together.

This is to call a meeting of the officers and directors at my home, 1236 Springdale Road, N.E., Atlanta, on Saturday afternoon, December 7th, 1963, at 4:00 p.m.

I am giving you a good deal of notice in the hope that you can arrange your schedule so as to reserve the time and be there. Please let me know as soon as possible if you cannot.

And please send me suggestions for our agenda or for procedures for getting our program under way.

Yours sincerely,

Edward Ladd

Edward T. Ladd, President
ACLU of Georgia

ETL:hs

file

ACLU - (Georgia)

December 7, 1963

A meeting of the officers and board of directors of the American Civil Liberties Union of Georgia was held at the home of the president, Edward T. Ladd, on December 7. The following were present; Bacote, Morris, Robin, Pauley, Ladd, Richardson, Cohn, Hollowell, Steinmetz. Meyer and Dunbar had advised Mr. Ladd that they were unable to attend.

President Ladd proposed an agenda for the meeting plan and participants agreed to proceed with same. In addition, three subjects were mentioned by members present: possibility of having regular observors of the judicial processes in Georgia; Peace Walkers; and entire area of Press relations.

1. A committee of lawyers was appointed consisting of Robert Cohn, Donald Hollowell, Elliott Levitas, Maurice Maloof, Morgan Stanford. Robert Cohn assumed the responsibility of calling the committee together. Other names suggested were Hugh Gibert, Herbert Johnson, Oscar Kimsey, Jr., J. Haas. This committee is to make recommendations to the executive committee of the American Civil Liberties Union of Georgia, to screen cases, to be staff for all legal problems, to be responsible for the legal aspects of a pamphlet, "If You are Arrested in Georgia"(anothe r committee would actually do correlation, publishing etc.). It was moved by Frances Pauley and seconded by Florence Robin that this Committee of Lawyers be a standing committee of the American Civil Liberties Union of Georgia. Motion was adopted.

2. It was moved by Florence Robin and seconded by Harry Steinmetz that the executive committee (the officers) serve as a strategy committee on representation. In an emergency situation, the President is authorized to take action; if the President is out of town, the first Vice-President is so authorized.

3. Eleanor Richardson moved and Frances Pauley seconded the motion that a Public Relations Committee be appointed with the work of a Speakers' Bureau part of its responsibility. It was suggested that Helen Bullard be asked to chair this committee and that Rabbi Rothschild be asked to serve on same. Motion was adopted.

4. In respect to a Newsletter, Florence Robin offered to get members together who had expressed an interest in this endeavor and to secure a chairman for this committee.

5. Charlotte Moran and C. Bacote were to be asked to serve as co-chairmen of a membership committee. Frances Pauley offered to help on this and Florence Robin volunteered help on a membership letter. It was moved and seconded to authorize the membership committee to spend funds for a membership mailing to approximately 1000 names in January, 1964 using an ACLU pamphlet as enclosure (to be selected by E. Ladd). Motion was adopted.

6. It was decided that fund raising be kept separate from membership drive work, that this be worked on later and Florence Robin volunteered to do this fund raising letter when time came.

7. Donald Hollowell moved the adoption of a resolution to open a bank account in the name of the American Civil Liberties Union of Georgia with either the Treasurer or President to sign checks upon authorization of the expenditure. This resolution was adopted.

8. Donald Hollowell further suggested that the President write National in regard to the allocation of dues and to get in writing from them procedure in the remittance of dues.

9. In reply to a letter from the New York office of ACLU, Robert Cohn moved and Donald Hollowell seconded that our board recommend that the name of Martin Luther King be placed in nomination for the National Committee of the ACLU. Motion was adopted.

10. Frances Pauley and Harry Steinmetz explained the procedures the Peace Walkers were using through Georgia. They were asked to word a resolution on the condemnation of use of cattle prods on human beings. The President and executive committee would approve the resolution and distribute same after agreement on same.

11. Charlotte Moran and Eleanor Richardson would be asked to keep the Board in touch with any necessary action in regard to Constitution Revision.

12. Next meeting of the officers and board of directors was called for January 8, 1964 at 7:30 at the home of Florence Robin. This meeting was adjourned.

Respectfully submitted,

Eleanor L. Richardson

Eleanor L. Richardson, Secretary

7 AMERICAN CIVIL LIBERTIES UNION OF GEORGIA

Memo from the State President

At our organizational meeting on November 20th, attended by approximately 60 members, the constitution for the ACLU of Georgia was adopted. Changes from the draft circulated to you were minor, except that the clause suggested by the national office was added. You will eventually receive a copy. Meanwhile, inquiries may be directed to any of the officers.

The proposed slate of officers was elected unanimously. In addition to the undersigned they are:

First Vice-President:	Mr. Donald L. Hollowell (Atlanta)
Second Vice-President:	Mr. Sylvan Meyer (Gainesville)
Secretary:	Mrs. M.E. Richardson (Decatur)
Corresponding Secretary:	Mrs. John B. Morris (Atlanta)
Treasurer:	Mr. Robert Cohn (Atlanta)

For the present the size of the Board of Directors was limited to ten persons, exclusive of the officers. From a slate of 25 the following were elected: Mr. C.A. Bacote, Miss Helen Bullard, Mr. Leslie Dunbar, Mr. John Glustrom, Mr. Maurice Maloof, Mrs. William Pauley, Mrs. Frederick Robin, Mr. Morgan Stanford, and Mr. Harry Steinmetz. (One other person elected could not serve because of the pressures of time). The Board is confident that soon more of our organization's leadership will come from outside the Atlanta area.

On December 16th the national Board of Directors granted our state affiliate official recognition.

Since its election your state Board has been trying to keep up with a rush of civil liberties crises and demands, as well as simultaneously to build an organization.

Our first public statement, calling for respect for the constitutional rights of the "Peace Walkers", was well received in the office of the Governor. For several weeks state officials appear to have been conducting themselves well with respect to that group. Our Committee of Lawyers, under the chairmanship of Mr. Hugh Gibert, has been in touch with an attorney for the Peace Walkers under arrest in Albany, but was told that no additional legal help was needed.

We have recommended nomination of a distinguished Georgian for election to the ACLU National Committee.

Miss Helen Bullard is heading a speakers' bureau; Mrs. Frederick Robin is temporarily handling public relations; and Mrs. Neil Moran is planning a membership drive.

FROM YOU, THE MEMBERS, WE SHALL NEED
Help in getting new members..Useful services of many kinds..Money..
Please give all of the above.

Edward T. Ladd, President
1236 Springdale Rd., N. E.
Atlanta, Georgia 30305

January 2, 1964

Amer. Civil Liberties Union (Georgia) Acly

January 8, 1964

A meeting of the officers and board of directors of the American Civil Liberties Union of Georgia was held at the home of Mrs. Frederick Robin on January 8, 1964. The following were present: Ladd, Robin, Dunbar, Steinmetz, Bacote, Stanford, Cohn, Glustrom, Morris, Pauley, Richardson. The following had advised that they were unable to attend: Bullard, Meyer, Hollowell, Maloof. Mr. and Mrs. Howard Moore were visitors.

The secretary read the minutes of December 8 and with the corrections made that items 1, 3, 5 should be amended to read "motion was adopted", it was moved by H. Steinmetz, and seconded by L.Dunbar that the minutes be accepted as corrected. The minutes would be reproduced and sent to all before the next scheduled meeting each time in order to conserve time taken in said reading at the meeting itself.

1. E. Ladd reported that the by-law materials had been sent to National office, that the National Committee had recognized and adopted the Georgia affiliate by acclamation. National had sent a news release which was carried on TV and in the Atlanta papers.

2. E. Ladd announced that Elliott Levitas had found it necessary to resign from the Board of Directors due to pressure of his business office but would continue to work with the Committee of Lawyers.

3. R. Cohn reported that the Committee of Lawyers (present-Stanford, George, Levitas, Maloof, Kimsey, Gibert, Hollowell, Cohn) had met early in December. Hugh Gibert was named chairman of the Committee. They considered a letter which had been sent in connection with the further delaying of the execution of Mr. Pugh. Consensus of the Committee was that there was not sufficient time to examine records, determine civil liberties issue involved but that D. Hollowell was to make some phone calls. In connection with the preparation of a pamphlet concerning what to do if arrested in Georgia, Messrs. George and Kimsey will work on this.

4. E. Ladd reported that Helen Bullard could not assume chairmanship of Public Relations Committee but that she would head a Speaker's Bureau. We were asked to help out in this connection by offering our services or suggesting speakers. F. Robin has been helping out in the area of Public Relations but a chairman is needed to advise about public and news releases and handle same. Several names were suggested. It was moved by Dunbar and seconded by Pauley that F. Robin, who would continue to be responsible for Public Relations until a new chairman could be found, be authorized to recruit and appoint with E. Ladd's approval a new chairman.

5. F. Robin reported that she had contacted all members who had listed the Newsletter as an interest and she will call a meeting of same. There was much discussion on the number of copies to be distributed and to whom. The first issues will be sent to the membership, press release people and others as the need arises. H. Steinmetz mentioned that the board members might receive 5 copies for distribution to interested people. E. Ladd emphasized that any statement made in connection with our work be copied and copies supplied to Newsletter, Public Relations and several copies to himself in order to keep National office properly informed.

6. R. Cohn stated that he still had not received a reply from National regarding the procedure of dues handling or when we would receive our share. It was suggested that National might be waiting for the 1964 dues receipts under the new change of date. In connection with this, National had provided the postage and C. Moran had sent out a letter from E. Ladd (report of our activities to date) along with the renewal notices.

7. In regard to membership, Moran, Bacote, Ladd will meet to discuss next recruitment steps.

8. E. Ladd reported that a statement (copy attached for secretary's report and copies were circulated at this meeting) regarding the Peace Walkers was sent to the Governor, Mr. Barnard (Executive Secretary to the Governor), Colonel Lowell Connor (Head, State Patrol), the mayors of eleven towns on the Peace Walkers' route through Georgia, three TV stations, the Constitution and Journal. Members present did not see any pickup of this statement in the mass media. The reply from Mr. Barnard was read.

9. E. Ladd reported on a phone call and letter from the Managing Editor of the Albany Journal.

10. In following up a letter from National ACLU in response to a wire they had received from Boulder, Colorado, concerning one of the Peace Walkers from that area, H. Gibert phoned Mr. C. B. King to ascertain if there had been any violation of civil rights. Mr. Gibert talked to B. Deming and Mr. King and they both stated that there was no problem of violation of rights in the condition of the Peace Walkers in detention at Albany, nor any illness. Mr. King stated that at that time there was no need for help from the ACLU of Georgia. E. Ladd emphasized that the ACLU has two roles-that of support of legal action and that of educational action. It was suggested that the Newsletter might carry a factual statement of the various happenings with the Peace Walkers in this educational action phase. L. Dunbar made a motion which was seconded by R. Cohn that the Committee of Lawyers keep abreast of what is happening to the Peace Walkers as they go through Georgia and stand ready to help when Mr. C. B. King makes it known that he would like our legal services and so provide such services. Motion was adopted. H Steinmetz suggested we use in the Newsletter the last paragraph in Mr. Edward J. Ennis' speech on page 2 of January, 1964, "Civil Liberties" as part of our educational action.

11. In connection with police action many suggestions were made regarding the investigation of civil liberties training given rookie police, possible request to Chief of Police to have lecturers in this field for the police department, the role of ACLU with the new State Police Academy. Mr. Ladd was asked to convey these thoughts to Committee of Lawyers. Mrs. Morris was requested to write regarding the police review mentioned in January, 1964 "Civil Liberties." It was moved by F. Robin and seconded by R. Cohn that the Board consider a special committee to deal with the police and that J. Glustrom be authorized to study the problem and determine the most effective persons to deal with this area. Motion was adopted.

12. M. Stanford asked the ACLU for suggestions for new chairman of State of Georgia Advisory Committee on Civil Rights as S. Meyer feels he must resign.

13. A letter from Mrs. Leon Goldberg was read regarding the proposed revision of Georgia election laws. F. Pauley moved and L. Dunbar seconded that E. Richardson (chairman), C. Moran, C. Bacote, F. Goldberg prepare a statement on election laws, and after approval of officers, release same to our Newsletter, to press, and legislature. Motion was adopted.

13. L. Dunbar, former chairman of former nominating committee suggested and placed in nomination the names of Eugene Gadsden, a lawyer from Savannah, and Mrs. Rachel Neely Parker from Norcross. Mr. Gadsden was elected by ballot vote, to fill the vacancy left by resignation of E. Levitas.

14. The matter of travel expenses was deferred. Mrs. Richardson offered secretarial help to E. Ladd.

15. Next meeting was scheduled for Thursday, January 30, at 8 P.M. at home of R. Cohn, 3037 Mornington Drive, N.W., Atlanta 5, Ga.

file

AMERICAN CIVIL LIBERTIES UNION of GEORGIA
Edward T. Ladd, President
1236 Springdale Road, N.E., Atlanta, Georgia 30306

PWV
MLV
PAV
VTV
SB
MJ - file

Statement of Position adopted by the officers and Board of Directors of the American Civil Liberties Union of Georgia on January 30th, 1964

The American Civil Liberties Union of Georgia is compelled to express its disagreement with the policy of the City of Atlanta recently announced by Mayor Ivan Allen, Jr. in a letter to Calvin Craig, Grand Dragon of the Georgia Ku Klux Klan. In this letter, Mayor Allen stated that the request of the United Klans of America for permission to use Hurt Park for a peaceful meeting would not receive favorable consideration from the City unless United Klans first discloses a list of its membership and proves that it is not affiliated with any of the groups classified as subversive by the Attorney General of the United States. This policy, if pursued, constitutes an unwarranted invasion of the fundamental rights of freedom of assembly and association conferred by the First and Fourteenth Amendments to the Constitution of the United States.

Our country, from its inception, was founded upon the proposition that the fundamental rights of freedom of speech, press, association and peaceable assembly guaranteed by the First Amendment, are indispensable to the functioning of a republican government dedicated to the establishment of justice and the preservation of liberty. These basic constitutional freedoms cannot be abridged under the guise of regulating the use of public parks. Indeed, the use of public parks for purposes of peaceful assembly by dissident groups of citizens is in the greatest tradition of our country.

The right of a group, whether the Ku Klux Klan or the NAACP, to use a public park for the purposes of peaceful assembly and discussion is well established. A municipality may not close its parks to those with whom it disagrees. As Mr. Justice Holmes, speaking of another restraint upon free speech, said: "If in the long run the beliefs expressed in proletarian dictatorship are destined to be accepted by the dominant forces of the community, the only meaning of free speech is that they should be given their chance to have their way."[1] Nor may it condition the right to use these parks upon the disclosure of membership lists. The Supreme Court of the United States, in a number of recent cases, has upheld the right of an organization to keep its membership lists confidential, rejecting all attempts by state and municipal authorities to compel their disclosure.

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1 Gitlow v. New York, 268 U.S. 652, 673 (1925)

Equally invalid is the attempt to condition the Klan's exercise of its rights of freedom of speech and assembly upon its nonaffiliation with any group now classified as subversive by the Attorney General. No principle is more clearly established than that these rights may not be interfered with except when their exercise produces a clear and imminent danger of violence in the community. Perhaps the mandate of the Constitution has been best expressed by the now historic words of Mr. Justice Holmes when he said: "When men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas - that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out ... we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country."[2]

---

2 Abrams v. United States, 250 Us. 616, 627-28 (1919)

FOR YOUR INFORMATION
MRS. JOHN B. MORRIS

AMERICAN CIVIL LIBERTIES UNION of GEORGIA
Edward D. Ladd, President
1836 Springdale Road, N.E., Atlanta, Georgia 30306

FOR IMMEDIATE RELEASE:

Enclosed please find a copy of a Statement of Position, adopted by the Officers and Board of Directors of The American Civil Liberties Union of Georgia, at their last meeting on January 30th, 1964, concerning a letter written by Mayor Allen to Calvin Craig, Grand Dragon of the local Ku Klux Klan.

If you have any questions, please call Mr. Hugh W. Gibert, 524-6418, or Mr. Emmit Bondurant, JA 2-7420.

File Lawyer, Civil Liberties Union "Georgia"

MJ-file

January 30, 1964

A meeting of the officers and board of directors of the American Civil Liberties Union of Georgia was held at the home of Robert Cohn on January 30, 1964. The following were present: Ladd, Maloof, Steinmetz, Morris, Cohn, Richardson, Pauley, Glustrom. E. Gadsden had advised that he would be unable to attend due to business out of the state. Other members had not communicated with the board regarding their absences.

It was moved by F. Pauley and seconded by M. Maloof that the minutes of January 8 be approved. Motion was adopted.

President Ladd mentioned that the "Feature Press Service", an ACLU weekly bulletin, would be available to any interested members by contacting him.

E. Ladd reported that Mr. Eugene Gadsden of Savannah had accepted membership on the board to fill the vacancy created by resignation of E. Levitas.

E. Ladd distributed copies of the Wall Street Journal reprint of October 30 regarding the ACLU. 1000 copies had been ordered. Mrs. Moran has them and they will also be used in the membership drive.

All prisoner mail either received locally or from the New York office is being channeled to H. Gibert to be screened for civil liberties aspect of the case. E. Ladd is acknowledging letters sent directly to him and stressing the fact that we are not a legal aid society.

A letter from the New York office had been received outlining procedures regarding membership, and dues. $2.50 is retained from each membership check by national as a service charge, and 60% of the balance is sent to Georgia. Permission is necessary for Special Fund Drives and a special percentage applies in this case. A letter to R. Cohn stated that $65 would be sent each month from national and balanced up at a future date. R. Cohn reported a balance in our account of $162.30 at Bank of Georgia with arrangements for president or treasurer to sign checks.

H. Steinmetz and F. Pauley reported on the Peace Walker situation in Albany. After much discussion, H. Steinmetz moved and J. Glustrom seconded that R. Cohn be asked to prepare a letter to Mayor Davis of Albany as soon as possible containing the consensus of the board's concern for civil liberties involved in the arrest of the Peace Walkers in Albany, using some of the statements in our earlier letter of December 16. This new letter would be cleared with the officers and sent by E. Ladd. Motion was adopted. E. Ladd reported that the New York office had replied favorably to the above December 16 letter and action taken then.

P. Morris moved and M. Maloof seconded that the board request the Committee of Lawyers to investigate the legal aspects of the extent of police power in control of parading in general in Georgia, the confining of peaceful picketing to a certain section of town, when the enforcement of the law becomes invalid, and that this information be made the basis of a pamphlet. Motion was adopted.

H. Steinmetz moved and C.Bacote seconded the motion that the corresponding secretary be instructed to write or phone Senator Leroy Johnson expressing our interest in a legislative bill prohibiting cattle prods on human beings and inquiring whether or not he contemplated introducing such a bill in this session of the Georgia General Assembly. Motion was adopted.

R. Cohn and F. Pauley seconded that attendance at ACLU board meetings be limited to the officers and members of the board unless guests are authorized by the president to attend in connection with business that is to be discussed. Motion was adopted.

F. Pauley suggested that J. Holloway, a professor at Mercer be invited to a board meeting. E. Ladd will so do and possibly invite Macon members. Explore idea also with those in Albany, Augusta, Columbus.

J. Glustrom made a progress report on police academy training programs. He had been unable to contact Jim Wood but had talked to M. Schlactus and will explore the matter further with others. Suggestions made that this might be a project for Mercer members using law students. F. Pauley will explore similar idea with University of Georgia area people.

E. Richardson moved and J. Glustrom seconded that E. Ladd ask Mrs. Emily Binkley to chair the Annual Meeting Committee (suggesting a type of program of having civil liberties problems presented by people from areas throughout Georgia) with F. Pauley and L. Dunbar to work with her, and to submit a report to March board meeting of recommended plans from her committee. Motion was adopted.

E. Richardson read letter for the Election Laws appointed committee directed to House Judiciary Committee, Senate Rules Committee with copies to Governor Sanders, Speaker of the House, President of the Senate (copy attached to these minutes). C. Bacote moved and F. Pauley seconded that the board accept the report of this committee and that the letter be sent by the president as directed. Motion was adopted.

R. Cohn reported from the meeting of the Committee of Lawyers. He stated that it was a good group and eager to work. They discussed the proper function of the committee which was to receive requests from the Board and report recommendations back to the Board. They stated they would assist as asked Attorneys Hollowell and Moore in contempt citation cases from Judge Pye. R. Cohn presented the statement they had formulated on Mayor Allen's rejection of the KKK request for a permit to use Hurt Park. It was moved by M. Maloof and seconded by C. Bacote and adopted by the board that the board accept the recommendation of the Committee of Lawyers and to ask P. Morris to send the above statement with a cover letter to the Mayor, C. Leftwich (Aldermanic Parks Committee), with copies to H. Bowden, Vice-Mayor Massell, and the press.

R. Cohn reported that information had been received that the National ACLU would pay court costs of a case providing the lawyer is serving on a free basis. It was stated that the Committee of Lawyers should volunteer advice to the board as to what cases ACLU should be involved in. M. Maloof felt that if the Hurt Park case gets to the State Supreme Court, the ACLU should file a brief.

Next board meeting will be on March 5, place to be accounced later.

Respectfully submitted,

Eleanor Richardson

Eleanor Richardson, Secretary

File Ga. Chapter

March 5, 1964

A meeting of the officers and board of directors of the American Civil Liberties Union of Georgia was held at the home of Edward Ladd on March 5, 1964. The following were present: Ladd, Cohn, Bullard, Morris, Dunbar, Pauley, Richardson, and Mrs. Neil Moran as Membership Chairman. The following were unable to attend: Glustrom, Gadsden, Hollowell, Robin.

A correction was made to the January 30th minutes to the effect that Miss Bullard had notified us that she could not be present. With this correction, Morris moved and Bullard seconded that the January 30th minutes be approved as presented.

E. Ladd read a letter of resignation from the Board from F. Robin due to pressure of prior commitments. It was decided to wait until the April annual meeting to fill this vacancy.

E. Ladd made following reports:

1. That the statement of position regarding the use of Hurt Park by the Georgia Ku Klux Klan had been sent and read some of the communications that had been received in regard to this action.

2. That a letter had been sent regarding voter registration procedures as proposed in the new Georgia election code to the Senate Rules Committee, the House Judiciary committee with copies to Governor, Speaker of the House, and President of the Senate. No answers received.

3. That Emily Binkley had been contacted to chair the April annual meeting committee. E. Ladd thought she would if held latter part of April. Decision was made to leave it to E. Ladd and E. Binkley to set date and use suggestions in January 30th minutes regarding program.

4. That a letter was sent to the mayor of Albany regarding the Peace Walkers in that community. No answer received.

5. That Mrs. Morris had phoned Senator L. Johnson regarding a possible bill he might present to legislature regarding the prohibition of the use of cattle prods. He was not at home, left message, no such bill introduced that we knew of.

6. That National Board had issued an invitation to Mr. King to serve on the national ACLU Board but that Mr. King had declined. We shall consider a nomination at a later date.

7. That H. Gibert had been given a pamphlet published by ACLU regarding parading, etc. which E. Ladd had picked up in New York.

R. Cohn reported for the meeting which the Committee of Lawyers held. They will file a ACLU friend of the court case if D. Hollowell is held in contempt. An effort was made to interest the Atlanta Bar and Georgia Bar Associations in this move. R. Cohn also reported that several areas of legal research had been accepted by committee members: the authority of Judge Moore to reassign cases; the investigation of the possibility of a federal court suit in connection with present cases in the local court; research and preparation of a memorandum concerning parading (see minutes of January 30th). H. Gibert will screen all prisoner mail for civil liberties issues involved and if any, will assign to committee members.

Dunbar moved and Cohn seconded that the secretary draw lots for the term of office each director would serve in order to conform with the By-laws. The following terms were drawn:(after motion was passed)

1 year, expiring, April, 1964 Glustrom, Stanford, Robin, Pauley

2 years, expiring April, 1965 Gadsden (filled a vacancy and vacancy then to be filled for the unexpired term by the membership), Bacote, Steinmetz

3 years, expiring April, 1966 Bullard, Dunbar, Maloof

Dunbar moved and Richardson seconded that the following be asked to serve on the Nominating Committee; Marion Glustrom, Chairman; Leonard Haas, Loretta Chappell with Pauley and Bacote from the Board. Motion passed.

Pauley moved and Richardson seconded that up to 14 positions be filled at this time, making 8 for three years at April, 1964 meeting and the unexpired term of one director. Motion passed.

Mrs. Morris was to write the members of the nominating committee asking them to serve.

Mrs. Moran reported on membership committee work and plans. 23 new ones since December and approximately 237 members now. She needs clarification re "unshared members" and will phone New York. She plans a welcome letter to new members with a yellow invitation sheet, and another enclosure. Richardson moved, Dunbar seconded, and it was passed that this be done. A mailing to prospective members was authorized using 1000 names on Georgia Council on Human Relations list and first 100 lawyers in Atlanta phone book. Moran to decide on enclosures. Richardson will bring "President's memo" up to date for possible use by Moran.

Richardson will contact suggested people to handle Newsletter.

Cohn moved and Bullard seconded that we write Atlanta Public Library for permission to hold our April board meeting there any night at 7 P.M. week of April 6th. Richardson will do-motion was passed.

Dunbar moved and Cohn seconded that the matter of the National Legislative Action Committee be postponed indefinitely. Motion passed.

Meeting adjourned.

Respectfully submitted,

Eleanor Richardson

Eleanor Richardson, Secretary.

SW - file

October 27, 1964

The October board meeting of the American Civil Liberties Union of Georgia was held October 27 at the home of John Glustrom. The following members were present: Glustrom, Cohn, Pauley, Bacote, Broiles, Stanford, Morris, Ladd, Steinmetz, Richardson, with committee chairmen Moran and Barnum and with Mr. Charles Morgan as guest. Members Boaz and Dunbar had phoned regrets as well as chairman Gibert.

With the insertion of the words "teaching about" before the word communism in the third paragraph of the September minutes, the minutes were approved, on motion of J. Glustrom, seconded by C. Bacote.

Mr. Charles Morgan was introduced and spoke briefly of his role in the Southeastern Regional Office of the ACLU and the needs he saw for a large membership and recruitment of lawyers in Georgia to take cases elsewhere in the South.

C. Moran reported on her meeting with Gordon Haskell when he was in Atlanta for a day and also on the 1965 Expansion Fund for membership and contributions (we now have 101 members outside Atlanta). The Newsletter will be used for an appeal for the expansion of contributions.

After much discussion on the need for stated goals for the Georgia affiliate, F. Pauley moved and R. Cohn Seconded that the Glustrom-Richardson motion in the September 16th minutes authorizing the sub-committees for action and study be made the basis of a broad statement of goals for the Georgia affiliate and that the statement be approved by the officers and used in the Newsletter. Motion passed unanimously.

Mr. Morgan stated that his office would provide labor for the Newsletter production through December, billing ACLU for the paper and stamps only. R. Cohn reported over $600 in the treasury.

After lengthy discussion, D. Broiles moved and R. Cohn seconded that the policy passed in the September 16th board meeting regarding submission of material to be used in the Newsletter to the institution or individual charged be applicable only where there is a question of libel and that the lawyers' committee shall decide whether or not to use the policy as stated in the September 16th minutes. Motion was carried 7-2.

D. Broiles moved and H. Steinmetz seconded that the lawyers' committee investigate the Loyalty Oath used in the University System of Georgia. Motion carried.

J. Glustrom moved and E. Richardson seconded that Professor Elizabeth Stack be sent a note of thanks from the Board for answering the questionnaire on "Teaching About Communism in the Schools." Motion carried.

It was requested that copies of correspondence dealing with matters of interest be sent to B. Barnum.

J. Glustrom moved and C. Bacote seconded that a cover letter and the entire statement made by a group of 50 lawyers from both political parties on October 12th regarding the attacks on the courts made during the political campaign be sent to the four daily Atlanta newspapers. Motion passed. R. Cohn would handle this.

It was agreed that an open membership meeting with Mr. Charles Morgan as the speaker be held on Friday, December 4th with F. Pauley, C. Moran, M. Glustrom to make arrangements with a top price of $75.00 for expenses. C. Morgan, F. Pauley and L. Dunbar were asked to work on a list of key members of the press and selected persons to be invited to a function prior to the meeting proper.

December 1 will be next board meeting at home of B. Barnum, 2308 Springside Lane, Decatur.

Respectfully submitted,

Eleanor Richardson, Secretary

Recd 11/25/64 PA WB SW-file

GEORGIA CIVIL LIBERTIES

No. 2 November, 1964

New ACLU Impetus in the South

The ACLU of Georgia faces a variety of challenging tasks, according to Charles Morgan, director of the new southern regional office of ACLU in Atlanta. From these varied tasks Mr. Morgan pinpointed four major areas which he saw as being of first importance.

"First," he said, "we should assure the growth of the chapter as an active, vigorous, self-sustaining organization. Second, we must appeal to the chapter's legal talent to be prepared to offer assistance throughout the entire South. Third, a corps of local volunteers must be recruited to assist the office typing, mimeographing, etc. And, finally, the membership in general can initiate or stimulate action on a broad scale in general society."

Mr. Morgan feels that it is of primary importance that the existence of the ACLU of Georgia should be publicized as much as possible. "Suppose an out-of-state citizen (or, for that matter, a Georgia resident) finds himself in need of ACLU assistance," he asked, "where would he appeal? This may seem a trivial matter he stated, "but it can be of crucial importance." He feels a communication center would be extremely useful.

> Come and meet Mr. Morgan. Come and meet your fellow ACLU members. Attend the general membership meeting on Friday, December 4, at 8:00 p.m. in Room 1015 of the Biltmore Hotel, W. Peachtree at Fifth. Bring your friends -- the ACLU of Georgia wants to grow.

"Furthermore," he added, "our state organization is in an excellent position to furnish speakers who are prepared to go anywhere in the South and talk on a variety of civil liberties subjects -- police practices, peaceful picketing, reapportionment of legislatures, school prayer, loyalty oaths, and speaker bans (University of Georgia!) to mention just a few."

"Due to a system of largely one religion, and one political party, the South has been generally devoid of civil liberties and much work remains to be done although some improvement is taking place currently."

"There is another area in which Georgia ACLU members can become active," Morgan said. "They can promote or even propose legislation in our fields of interest and otherwise exercise influence to further the safeguarding of civil rights and civil liberties. One example might be ot apply pressure to assure more widespread application of the system of self-signed bail."

Mr. Morgan, while stressing the independence of the Georgia ACLU, is willing to offer his assistance in anyway he can. He is, however, limited by the demands on his time since he must serve the needs of thirteen states. He considers it of prime importance to help establish independent affiliates in each of these states where only a few now exist.

A large scale educational effort to make the general public aware of ACLU's existence and its functions, throughout the southern region, is one of his first areas of concentration.

Report of the Lawyers' Committee

The Lawyers' Committee participated in the brief to the Fifth Circuit in the case of Joni Rabinowitz, charged with perjury for participating in racial disturbances this past summer.

The ACLU took the position that the defendant was entitled to waive a jury as a matter of due process. The appeal is pending in the Fifth Circuit Court of Appeals.

Legislative Report

Now that the elections are over, Georgians can turn again to face some of our problems temporarily put aside. One of these is the question of how to obtain more equitable representation in the Georgia House of Representatives. The Georgia Legislature is under court order to reapportion its lower house on a predominantly population basis by 1966. After months of delay, waiting for possible action by Congress, a special House Committee on Reapportionment is now planning to hold public hearings in the ten Congressional Districts of the state. In January it will submit its findings and recommendations to the General Assembly. We hope ACLU members will take advantage of this opportunity to speak out, as private citizens, for the recognition of "equal protection" as applied to the equality of the weight of our votes.

* * * * * * * * * * *

Months ago, when our affiliate was being organized, there was

some discussion as to whether it should be a statewide group or an Atlanta chapter. It was, of course, decided that it should be the ACLU of Georgia; and we are gratified to say that the wisdome of this plan is continually being born out by our expanding membership throughout the state. Athens, Augusta and Savannah in particular, are adding to our rolls, but we would also like to recognize, and give thanks for, the support of those members from the smaller towns and the rural areas of the state. We hope that we can continue to strengthen the lines of communication among all of Georgia's ACLU members. Please give us your thoughts as to how this might be done.

1965 Approaching

November marks the beginning of the 1965 expansion drive of the National Office of ACLU. One of the many reasons for this intensive effort to increase both membership and income is the establishment of the Southern Regional Office. Another is the hoped-for creation of affiliates in other southern states and the further development of such young ones as ours. Because the Georgia affiliate is still in the process of formulating plans and procedures for the coming year, the Board of Directors has decided not to engage immediately in the pledge program outlined by the National Office. Instead, we will continue to urge you to:

1. Increase your support upon renewal of your membership next January.

2. Help us increase our membership rolls by letting your friends know about ACLU.

In this way you can help our Georgia chapter achieve the goals outlined elsewhere in the Newsletter.

* * * * * * * * * * *

Mr. James Holloway of Macon has resigned from the board of ACLU of Georgia because he has moved from the state. The board has asked Mrs. Frances Pauley to fill this vacancy until the next annual meeting in April, 1965.

Georgia Runner-up

According to the September issue of Civil Liberties, Georgia achieved 121% of its membership income goal for the first part of this year and was surpassed only by Michigan's 127%. In order to remain realistic, however, it should be stated

that Michigan's goal was $21,300 as against Georgia's $1,700, the lowest for any area of comparable size. But, if we continue like this for, say, ten years - - - -!

Georgia and the ACLU Biennial Conference

The Georgia delegate to the biennial conference held by the ACLU June 21-24 at the University of Colorado in Boulder, Colorado, reported to the president of ACLU of Georgia on the proceedings. We quote the following from Mr. Hugh Gibert's report.

> The convention dealt with internal and external problems.
>
> 1. That the ACLU supports the adoption of discovery rules for criminal cases. (This would allow a defendant to know in advance of trial what evidence the prosecution intends to rely upon.)
>
> 2. That the ACLU consider that a person is entitled to an attorney from the time of his arrest.. (The effect of this would probably be to exclude from evidence any confession extracted prior to the appointment or employment of an attorney.)
>
> 3. That the ACLU favors either a public defender system or a system of appointed counsel paid with public funds for indigent persons accused of crimes.
>
> 4. That the ACLU opposes the provision of President Johnson's anti-poverty legislation that would provide public funds to church related grammar and high schools for certain special purposes.
>
> 5. That the ACLU sympathises with Negro efforts to obtain equal treatment, and each affiliate shall decide what assistance to give.

Some of the sessions that were most interesting and revealing were those dealing with matters of organization, finances and the like. Four ACLU chapters have had particular success and their representatives discussed the methods whereby their success was achieved. The state of Washington was

one of these. In addition to the regular dues, they collect money from their membership and others for what they call a sustaining fund. They tell their prospects that they consider that commitment to the principles of the ACLU can be measured in money, and that it should equal or approximate commitment to their churches. Therefore, they ask for annual pledges in the hundreds of dollars. Washington has a population of approximately one-half Georgia's and last year they collected approximately $32,000 as compared to Georgia's $2,000.

* * * * * * * * * *

The Board of ACLU of Georgia has authorized the establishment of seven areas for action and study, and of four internal committees as well.

The seven substantive committees are listed below. Your participation in one or more areas is solicited. Tear off the form at the bottom to indicate your area of interest, and mail it to:

Mrs. John Morris
4655 Jett Road
Atlanta, Georgia

- -

Name _____ Telephone _____

Address _____

1. ____ Church and State
2. ____ Implementation of Civil Rights Act
3. ____ School Desegregation
4. ____ Police Powers and Their Exercise
5. ____ Due Process and Criminal Justice
6. ____ Academic Freedom
7. ____ Legislative Reapportionment

DECATUR, GA.

Mrs. David L. Barnum
2308 Springside Lane
Decatur, Georgia

L.W.Dunbar, Ex. Dir.
So. Regl. Council
5 Forsyth St., NW, #201
Atlanta3, Ga.

file

December 1, 1964

The December board meeting of the American Civil Liberties Union of Georgia was held December 2 at the home of Mrs. David Barnum. The following members were present: Steinmetz, Morris, Richardson, Ladd, Meyer, with committee chairmen Moran, Barnum, Gibert and Mr. Charles Morgan as guest. Bacote, Glustrom, Boaz, Pauley, Broiles, Bullard had notified regrets.

H. Steinmetz moved and Morris seconded that the minutes of October 27th meeting be approved as distributed. Motion passed.

E. Ladd announced that R. Cohn had resigned as he is moving out of Atlanta and the state and that the Constitution directs the Board to elect an interim treasurer from among the present board members. P. Morris nominated John Glustrom as treasurer. E. Richardson moved that the nominations be closed. John Glustrom was elected treasurer by unanimous vote. P. Morris moved and E. Richardson seconded that the new treasurer be authorized to assume immediately all the necessary duties of the office. Motion passed.

E. Richardson moved and P. Morris seconded that the subject of the appointment of a nominating committee (2 from board, 3 from membership outside the board) be put on the agenda for the January board meeting. Motion passed.

It was announced that the letter and statement made by a group of 50 lawyers on October 12th regarding the attacks on the courts during the political campaign was sent by R. Cohn to the papers. It was only seen in the Journal on November 2nd. There was a letter to the editor shortly afterwards from Alabama disagreeing.

A request had come from National office to have the Georgia affiliate advice on ACLU policy on libel. The following committee had been appointed to work on this: Henry Pratt, chairman, Helen Bullard, Louis Regenstein, Harold Abrams, Henry Bowden.

P. Morris noted that a thank you letter had been received from Mr. C. B. King of Albany for money sent him earlier in the year. She has also received a few questionnaires back from October Newsletter from members indicating their interest.

H. Gibert reporting for the Lawyers' Committee announced that at the request of National, he had filed a brief in the J. Rabinowitz case (see October Newsletter), had secured the removal of a prisoner with T.B. from Milledgeville to Battey State Hospital. The Committee will screen prisoner mail for the type of case which would test the denial of right of council (Gideon vs. Wainwright) in Georgia and possibly one for securing a free record. They are investigating such a one now. It was moved by Steinmetz and seconded by P. Morris that the lawyers' committee should secure the approval of the majority of the board or in case of an emergency, of the officers, before entering into litigation in any specific case. Motion passed. H. Steinmetz moved and E. Richardson seconded that $200 be made available to the Lawyers' Committee for expenses. Motion passed.

H. Steinmetz moved and P. Morris seconded that the President appoint an ad hoc committee to investigate the Loyalty Oath and the Security requirements in the State of Georgia for employment and securing of licenses. Motion passed.

E. Ladd made the following report from the committee on committees which consisted of F. Pauley, L. Dunbar, E. Ladd:

Church and State: Mr. Samuel C. Wexler, Chairman, Savannah; Mr. Richard B. Spicer, Statesboro; Mr. Don Franks, Augusta; Dr. Gordon De Wolfe, Statesboro; Mrs. Edward Mackay, Atlanta.
Academic Freedom: Mr. Jon Johnston, Chairman, Atlanta; Mr. David Broiles, Athens; Mr. George Hayes, Decatur; Dr. E. Graham Roberts, Atlanta; Dr. Richard Hocking, Atlanta; Mr. Henry Pratt, Atlanta.
Implementation of the Civil Rights Act: Mrs. R. N. Parker, Chairman, Norcross; Mr. Hubert B. Ross, Atlanta; Mrs. Edward Vinson, Atlanta; Mr. William George, Forest Park; Mrs. J. C. Neiman, Atlanta; Mr. William Frey, Atlanta; Rev. Martin Buss, Atlanta; Dr. Philip Brachman, Atlanta.
School Desegregation: Dr. Alexander McPhedran, Chairman; Mr. Kai Erikson, Decatur; Mr. John Gould, Atlanta; Mr. David Comer,III, Atlanta; Dr. Raphael Levine, Atlanta; Mr. Leon Eplan, Atlanta.
Police Powers: Dr. Lloyd A. Moll, Chairman, Americus; Dr. David S. Shapiro, Columbus; Mr. Clarence Jordan, Americus
Criminal Justic e and Due Process: Mr. Frederick Robin, Atlanta, chairman; Mr. H. Eugene Hall, Atlanta; Miss Loretta Chappell, Conley; Mr. William G. Cornelius, Atlanta; Miss Katherine Akin, Atlanta; Miss Opal Futch, Atlanta.

S. Meyer moved and P. Morris seconded that this report of committee on committees be accepted. Motion passed. Letters will be sent to each of the above.

There will be no reapportionment committee appointed as the subject is regarded as a moot one.

S. Meyer moved and H. Steinmetz seconded that the Board appoint a representative to speak for the ACLU point of view at the public hearing on the reapportionment of the Georgia House in Atlanta on December 4, 1964. Motion passed.

It was decided to inquire among the members present at the December 4th membership meeting concerning their ideas for subject matter at a possible February memmber ship meeting. National had requested a meeting to secure membership views on Capital Punishment and shared time as far as ACLU was concerned. The question of a February meeting will be put on the January board agenda.

E. Richardson was instructed to compile from the minutes a report of attendance of Board members including those who had notifed ahead of time their inability to attend. C. Moran will report to January meeting, members who still have not paid dues or been dropped by National.

The January board meeting will be held Sunday afternoon, January 10th at 3 P.M., place to be announced later.

Respectfully submitted,

Eugenia Richardson

E. Richardson, Secretary

John de J. Pemberton, Jr.
Executive Director
George Soll
Secretary
Sophia Yarnall Jacobs
Treasurer
Roger N. Baldwin
International Work Adviser

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Karl Menninger (Kan.)
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Morris Rubin (Wisc.)
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James Lawrence Fly (Fla.)
Erich Fromm (N.Y.)
Ralph F. Fuchs (Ind.)
Willard E. Goslin (Tenn.)
Frank S. Horne (N.Y.)
Mark DeW. Howe (Mass.)
Quincy Howe (N.Y.)
Robert M. Hutchins (Calif.)
Gerald W. Johnson (Md.)
Mordecai W. Johnson (D.C.)
James Kerney, Jr. (N.J.)
Benjamin H. Kizer (Wash.)
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Dorothy Tilly (Ga.)
Jose Trias-Monge (Puerto Rico)
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Thornton Wilder (Conn.)
Aubrey Williams (Ala.)
Marion A. Wright (N.C.)
Benjamin Youngdahl (Mo.)

SOUTHERN REGIONAL OFFICE

American Civil Liberties Union

5 FORSYTH STREET, N.W., ATLANTA, GEORGIA 30303 523-2721

Charles Morgan, Jr.
Director

Jean Levine
Executive Assistant

January 5, 1965

file

MEMORANDUM

TO: Charles Morgan, Jr.
Leslie Dunbar
Wiley A. Branton

FROM: Jean Levine

The Georgia ACLU, as you know, is in the process of organizing committees and manning them.

Last evening the Committee on School Desegregation held its initial meeting for the purpose of organizing and establishing policy.

This committee has requested me, because of my proximity, to request of each of you, a short interview for the purpose of seeking your advice and thoughts. There are, at the moment, only four members on this committee and for their convenience as well as yours they would like to have these three meetings all on the same day. If you can see these four men on January 12, or January 13 would you write your choice of date and hour in the margin of this memo and return to me.

Thank you.

MJ - file

January 10, 1965

The January Board Meeting of the American Civil Liberties Union of Georgia was held January 10 at the home of Edward Ladd. The following members were present: Ladd, Morris, Broiles, Dunbar, Glustrom, Hocking, Pauley, with committee chairmen Moran, Johnston, Parker, Pratt, McPhedran, Gibert. Richardson, Bullard and Boaz had notified regrets.

J. Glustrom moved and P. Morris seconded that the minutes of the December 1 Meeting be corrected to change the date on line 2 to read "December 1", and that they then be approved as distributed. Motion carried.

The resignation of Maurice Maloof from the Board was accepted. It was the concensus of the Board to leave the position vacant until the Annual Meeting in April.

The December 4 General Meeting of the ACLU of Georgia was deemed valuable, in spite of the inability, due to flying conditions, of Charles Morgan to be present. Members of the Board who were present are urged to pay their own expenses at the rate of $1.00 per drink, and to send their remittance to the treasurer, John Glustrom, 1286 West Peachtree Street, N.W. as soon as possible. F. Pauley moved and D. Broiles seconded that the treasurer be authorized to pay the bill in full. Motion carried.

E. Ladd noted that he had sent letters to various members in response to criticism that the General Meeting was held on a Friday night which is a Jewish holiday.

F. Pauley moved and D. Broiles seconded that the committee who planned the General Meeting be thanked. Motion carried. P. Morris moved and D. Broiles seconded that Frances Pauley, the chairman, be especially thanked. Motion carried..

C. Moran, Membership Chairman, was authorized to obtain copies of the new "What is the ACLU?" and the pamphlet on the Civil Rights Act.

John Glustrom, treasurer, is authorized to investigate and report on the financial needs of the ACLU of Georgia.

L. Dunbar moved and J. Glustrom seconded that the Board instruct the Chairman to appoint a Nominating Committee to prepare a slate of officers and Board Members to be presented at the Annual Meeting. Motion carried.

H. Gibert, Chairman of the Lawyers Committee, reported that a sub-committee studying the state loyalty oath believes it can easily be declared unconstitutional.

A discussion was held concerning the role and relationship to the Board of the new standing committees, namely, should the Board or the committee itself determine the direction and emphasis of the committee's work. Mrs. Parker, Chairman of the Implementation of the Civil Rights Act Committee requested clarification of the work of this committee. It was suggested that one area of concern should be to be alert to civil liberties threats resulting from the enforcement of the Act.

Mr. Johnston, of the Academic Freedom Committee, reported that his group felt that the Loyalty Oath was of prime importance and should be dealt with first.

Mr. Pratt, of the Ad-Hoc Committee on ACLU Libel Policy, reported on the work of his group. The Board will consider the statement of this committee which will be sent to National at its next meeting.

E. Ladd was requested to instruct committee chairmen concerning board policy and other information at the request of the committees.

The February Board Meeting will be held on February 8th at 8:00 P.M. at the home of John Glustrom.

Respectfully submitted,

Patsy Morris, for E. Richardson

The February Board Meeting of the American Civil Liberties Union of Georgia was held at the home of John Glustrom on February 8th. The following members were excused: Branch, Broiles, Hocking, Morris, Richardson. Committee members Mrs. Glustrom, Dr. Goldstein, and Dr. Pratt were present.

The minutes of the January 10th board meeting were approved.

The report of the nominating committee (copy attached to Secretary's minutes) was presented for information purposes.

Treasurer John Glustrom presented the following budget which was approved for next fiscal year (until February 1966).

Expenditures		
Newsletter, eight issues at $25.00 ---------	$200.00	
Office supplies	150.00	
Postage (to 1000)	400.00	
Travel in state	150.00	
Telephone	100.00	
Possible litigation	700.00	
Miscellaneous	100.00	
	$1800.00	
Income		
On hand	$1000.00	
Per annum, from National	1200.00	
	$2200.00	estimated income

Mr. Glustrom presented his request to Charles Morgan for a national grant, in the amount of $5000, to the Georgia affiliate to permit an educational campaign, sociological and legal research, more legal activity, and partial employment of a staff person or persons.

Cognizance was taken of ACLU growth in neighboring states.

Dr. Pratt's report of his committee's study of the ACLU libel policy was accepted with thanks. It will be sent to national office before due date of February 15th. (Please correct your copy on page 1, 15th line up from bottom: change "dissenting" to concurring.) Dr. Pratt agreed to formulate a summary for the next Georgia Newsletter (see copy attached to Secretary's minutes).

The Board agreed to ask the Lawyers Committee to proceed as advised by Mr. Charles Morgan in the case involving adoption of a young Korean orphan.

Discussion of the annual meeting in APRIL ended in consensus that the President would ask all chairmen of committees to be prepared to report on the concerns of the committees, and that Mrs. Glustrom would chairman the arrangements committee.

Note was taken of the unseemly number of absences from board meetings without prior notice given by some board members.

Respectfully submitted,

Harry Steinmetz, Sec.-Pro-tem

Rec'd 2/1/65

TA (Check document when visit me)
AV
SW-file

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Executive Director
George Soll
Secretary
Sophia Yarnall Jacobs
Treasurer
Roger N. Baldwin
International Work Adviser

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SOUTHERN REGIONAL OFFICE

American Civil Liberties Union

5 FORSYTH STREET, N.W., ATLANTA, GEORGIA 30303 523-2721

Charles Morgan, Jr.
Director

Jean Levine
Executive Assistant

February 1, 1965

Mr. Frederick B. Routh
Executive Director
NAIRO
2027 Massachusetts Avenue, N.W.
Washington 6, D.C.

Dear Fred:

I hope to initiate a program in the five Deep South States (Louisiana, Mississippi, Alabama, Georgia, and South Carolina) to organize affiliates of the American Civil Liberties Union there, and to staff each of these affiliates with an Exeutive Director. It is currently impossible for us to finance such an ambitious undertaking.

What prospects, if any, are there that we might secure the services of an Eleanor Roosevelt intern for each of these affiliates on a one-year, or longer, term basis? The ACLU presently has affiliates in Louisiana and Georgia. Recently an Alabama affiliate was formed. Affiliates do not existsin Mississippi or South Carolina and there is no indication that any can be formed there.

You are familiar with the ACLU and the work that it does. The trainees need not be attorneys, although that would be helpful. Theymmust have a broad scale interest in and dedication to the preservation of rights guaranteed by the Bill of Rights and the Due Process and Equal Protection clauses of the Fouttenth Amendment.

Since the problem of race is at the core of civil

liberties problems in the South, their work would be interesting, sometimes controversial, and fruitful.

I would appreciate your letting me have your thoughts about this at your earliest convenience. I intend to discuss this further in New York on or about February 12, 1965.

Kindest regards.

Sincerely,

Charles Morgan, Jr.
CM:jl
cc: Leslie Dunbar
(Dictated 1/29/65)

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York, New York 10010

WORKING PAPER, NOT FOR PUBLIC DISTRIBUTION

February 11, 1965

MEMORANDUM

To: Free Speech/Association and Due Process Committees

From: Norman Dorsen and Peter Winograd
(Hays Civil Liberties Program)

Re: Position Paper on Free Press and Fair Trial

This memorandum attempts to put in comparatively short compass the considerations underlying the continuing conflict between the claims of an unfettered press and those of criminal defendants who may be prejudiced by information reported to the public that interferes with their fair trial. Both these values are of constitutional dimension but neither can be absolutely protected except at the cost of the other. Accordingly, many responsible suggestions have been put forward in an attempt to reconcile these goals. The memorandum makes liberal use of these ideas, but because of Dean Erwin Griswold's eminence, we attach his recent statement on the issue for special consideration in the formulation of Union policy.

The free press-fair trial problem requires consideration of two separate though related questions: (1) whether the scope currently given the press under the First Amendment has impinged upon

the fair administration of criminal justice and, if so, what steps should be advocated to protect the Sixth Amendment guarantee of a fair trial; (2) whether the introduction of television cameras into criminal courts can be justified as an extension of press freedom. These issues, long under examination by the ACLU, have received increased public attention since the recent events in Dallas. This memorandum is concerned exclusively with the first of these questions.

Our survey of the problem leads to the tentative conclusion that, despite the preferred constitutional status of freedom of press, some action is necessary to cope with a serious and apparently increasing problem that threatens to vitiate the possibility of a fair trial in large numbers of cases. A carefully tailored statute might be the best solution, although there are obvious political and other problems involved in achieving a legislative consensus. In the absence of legislation, voluntary action by law enforcement agencies and bar associations, enforced through meaningful sanctions, could result in an amelioration of the present unsatisfactory situation.

I. BACKGROUND OF THE PROBLEM

Any potential interference with press coverage of trials or other public events must take account of the well-established con-

stitutional protection accorded all media of communication. The reasons for this preferred status of the American press were carefully explained by the Supreme Court in Thornhill v. Alabama, 310 U.S. 101-02 (1940):

> The freedom of speech and of the press guaranteed by the Constitution embraces at least the liberty to discuss publicly and truthfully all matters of public concern without previous restraint or fear of subsequent punishment. The exigencies of the colonial period and the efforts to secure freedom from oppressive administration developed a broadened conception of these liberties as adequate to supply the public need for information and education with respect to the significant issues of the times. *** Freedom of discussion, if it would fulfill its historic function in this nation, must embrace all issues about which information is needed or appropriate to enable the members of society to cope with the exigencies of their period.

In accordance with these principles, which of course have been at the heart of the philosophy animating the activities of the ACLU, the Union has been extremely reluctant to approve or countenance any interference of any character in freedom of expression.

Apart from a few, well-know exceptions, mostly in the realm of internal security, the Supreme Court has invalidated attempts to curb the press. Accordingly, judicial approval of effective sanctions has been rare. As the Court said in Bridges v. California, 314 U.S. 252, 265 (1941), "the only conclusion supported by [the history of the contempt power] is that the unqualified prohibi-

tions laid down by the framers were intended to give to liberty of the press, as to the other liberties, the broadest scope that could be countenanced in an orderly society." See also Pennekamp v. Florida, 328 U.S. 331 (1946); Wood v. Georgia, 370 U.S. 375 (1962).

As a result, newsmen have been free to report whatever criminal items they are able to obtain and which might be of interest to readers. While the press has not been wholly undisciplined, its representatives having cooperated on occasion with police and other authorities to release only limited information or even to maintain silence on pending investigations, the general trend has been otherwise. Misleading headlines, accounts of "confessions" which are never introduced at trial, one-sided leaks from the prosecutor's office -- all these are common fare in the better papers as well as in the tabloids. It has thus become difficult to assure that criminal cases will be heard by jurors who are in fact unbiased.

Existing procedures have, on the whole, proved incapable of curing this problem. The voir dire examination is often relied upon to keep from the jury box individuals who have already formed opinions about the case at hand. In practice, however, this has not been an effective screen. Simply showing that a juror has read certain prejudicial material does not necessarily disqualify

him; the courts seem to require proof that bias actually exists. In some instances, admittedly prejudiced jurors have been found acceptable on the basis of their self-claimed ability to grant the defendant a presumption of innocence. (Stern, 14 Syracuse L. Rev. 450, 460). The ease with which persons are willing to assert impartiality in order to qualify to sit in judgment raises serious doubts regarding the validity of the test being used.

Where so great a prejudice has been created by pretrial publicity as to make a fair hearing impossible, a change of venue may be permitted. Such motions are rarely granted, however, for it is most difficult to establish that a satisfactory panel cannot be obtained. Furthermore, where the case is of national concern, a mere change of location may not have any practical value. In such a situation, a continuance might be sought, postponing trial until the publicity and attendant emotions subside. Should the defendant not be bailable, however, this possibility becomes unrealistic. In any event, publicity will likely resume in advance of the delayed trial, thereby eliminating whatever benefit had been anticipated. Much the same criticism can be raised with regard to the usefulness of new trials as a cure for unfair proceedings. And, finally, to claim that a judge's instructions may overcome press-induced prejudice is tantamount to assuming that "with one wave of his verbal wand, the judge is to eclipse the

clamor of outraged sentiment and the knowledge of facts never received in evidence." (Goldfarb, 36 N.Y.U.L. Rev. at 822).

It is this state of affairs that has led the ACLU (and other groups) to grapple with the difficult problem of reconciling the apparent need to impose some restraints with the desire to maintain the First Amendment guarantee of a free press.

II. ACLU HISTORY

A. On October 20, 1958, in response to a request by the Colorado branch for advice, the Board of Directors recommended issuance of a strong statement "admonishing against the release of prejudicial information by public officials and cautioning the mass media to exercise greater self-restraint in publicizing cases prior to trial." It was felt that the primary responsibility was that of the authorities rather than the press. The Board stressed, however, that bench, bar, and press should be encouraged to cooperate to formulate acceptable standards for reporting criminal and/or trial-related news, and that all bar associations should take steps "towards persuading the appropriate judicial body to adopt reasonable rules to prevent prejudicial information from being placed in circulation."

B. In a news release dated December 6, 1963, prompted by the aftermath of the Kennedy assassination, the Union stressed

that all parties -- press, prosecutors, and bar alike -- must impose some degree of self-restraint where criminal matters are concerned. While it was conceded that the right of an accused to a fair trial conflicts to some extent with the right of a free press, the ACLU position was that paramount interest must be focused on an accused's right to a fair trial. "Without an abiding concern for the preservation of an impartial atmosphere in criminal prosecutions, the deterioration of fairness in criminal prosecutions is inevitable. ...The news media must themselves accept their share of the responsibility to assure fair trial by curbing their pressure on police and prosecuting officials to publicize the case."

C. On February 4, 1964, in a letter to the Attorney General, John de J. Pemberton expressed the ACLU's objection to a statement in which J. Edgar Hoover was reported by the New York Times as having revealed the prior arrest records of defendants in the Frank Sinatra, Jr. kidnap case. The Union's executive director asked that all Department of Justice personnel be instructed to "cease making public statements that can seriously endanger the basis of a fair trial under our democratic system."

D. In an address to the National Civil Liberties Clearing House on March 20, 1964, Melvin Wulf, speaking for himself and not for the ACLU, expressed the belief that the requirements of due

process could be safeguarded only if the disclosure or publication of any information bearing on a criminal charge, beyond release of the minimum data necessary to identify the accused and details of the formal complaint, is prohibited. He noted that exposure of jurors to pre-trial publicity will have an unavoidable effect on ultimate deliberations, and that objectivity, if not made impossible, will at least become more difficult to maintain. Television and press coverage of a criminal being taken into custody, of the police discussing their case, and of evidence which may eventually be excluded by the court leaves, in his opinion, an indelible mark on the prospective juror, who cannot simply forget what he has read or seen.

E. In a memorandum of November 6, 1964, Alan Reitman, ACLU associate director, noted that he, Wulf, and Charles Morgan all agreed that the ABA's proposed canon of ethics relating to extra-judicial statements by prosecuting and defense attorneys was insufficient, since it did not prevent the police from commenting to the press, and defense counsel, in turn, would be hampered in representing the client's best interest in making a rebuttal to the police statement. John Pemberton later added that the proposed canon not only failed to deal adequately with the problem but, more important, that it would actually impose an affirmative disadvantage on the defense.

F. On December 21, 1964, the Union's Philadelphia branch supported "in principle" guidelines proposed by the Philadelphia Bar Association respecting the release and publication of information in connection with criminal proceedings. In effect, the ACLU placed primary responsibility on the police and district attorney, rather than on the news media, for preventing divulgence which would later preclude a fair trial. At the same time, however, the Union agreed that the news media themselves should refrain from publishing, during trial, "information which has not been introduced into evidence and which may affect the fairness of the trial."

III. THE ARGUMENTS

A. For the press

1. Proponents of continued press freedom in the area of crime reporting stress the fact that not only the Federal Constitution, but also every state constitution provides specifically for freedom of speech and of the press. These fundamental rights, they claim, are given priority in our scheme of things because the absence of secrecy is the best guarantee of fair play, while the suppression of news will have exactly the opposite effect. (Letter from William B. Dickinson to Theodore Voorhees in The Legal Intelligencer, 12/28/64; NYU transcript, p. 39). It has often been

noted that one of the first steps away from democratic government in the past has been the censoring, and eventual muzzling, of the press. Many believe that wide publicity is the most effective -- if not the only -- way of discouraging secret police detention, interrogation, and brutality.

2. Supplementing the rights of the press is the alleged right of the public to know. This, in turn, would place upon the news media a duty to report anything of current interest and, supposedly, should not be curtailed to protect suspects and defendants in criminal cases. It thus might be claimed that a simple report noting the act committed and naming the individual held by the police in situations arousing general concern, such as the Wylie-Hoffert murders, would be insufficient and therefore unacceptable to the public. Given the claimed obligation of the press, an argument can be made that the facts developed during the course of investigation should be released and publicized. At least one commentator (E. Z. Dimitman, reported in The Legal Intelligencer, 9/14/64, p. 9) has applied such reasoning to justify the media treatment of Lee Harvey Oswald and Jack Ruby. In this regard, it has also been suggested that, if the press is prevented from openly reporting details of a case, gossip and rumor might take hold and do considerable damage in an emotionally charged atmosphere. (William E. Monroe, Jr., in Res Ipsa Loquitur, Summer 1964, p. 11).

3. It has been argued by some that the actual effect of pre-trial publicity remains unknown -- that no empirical data is available to support the conclusion that extensive press coverage destroys the triers' ability to decide a case fairly. Since jurors are not observed during the process of deliberation, and since the relevant psychological and perhaps sociological factors have never been examined analytically, there is very little ground on which to assert that a causal relationship exists between publicity and juror prejudice. (Goldfarb, 36 N.Y.U.L. Rev. 810, 835).

4. Even if it is granted that publicity does have some effect on the jury's objectivity, the real significance of this has been questioned. Mr. E. Z. Dimitman, assistant to the publisher of The Philadelphia Inquirer, recently cited facts indicating that only eight per cent of criminal cases have jury trials, and most of these are not covered by the press. Philadelphia city editors have estimated that only ten to fifteen cases per year receive coverage other than a routine announcement of the trial's opening and later, of the verdict. Furthermore, there is always a delay of several months between the date of indictment and the opening of a trial; since prejudicial publicity will usually be generated at the time of arrest, it will not likely be remembered when the suspect finally becomes a defendant and a jury considers his case. (The Legal Intelligencer, 9/14/64, p. 9).

5. Finally, it has been suggested that, given the apparent inability of law enforcement resources to cope with the rapidly increasing crime rate, it would be unwise to place road blocks in the way of complete reporting of information regarding criminals and their activities. Such coverage should awaken the public to the present serious situation and should also compel officials to take appropriate corrective measures. (Statement of Chief Justice John C. Bell, Jr., The Legal Intelligencer, 12/29/64).

B. For the imposition of restraints

1. It has been argued that the First Amendment guarantee of a free press was never intended to prevent an accused from receiving a fair trial. The constitutional protection of a defendant is frequently interpreted as an unqualified right -- one to which the press must yield when any indication of conflict appears. (Theodore Voorhees, in The Legal Intelligencer, 9/14/64, p. 9). It is claimed, in this regard, that unrestrained action by the news media will impinge upon, if not make impossible, the proper administration of justice. Thus, the State has the burden in all cases of establishing guilt in a courtroom and according to prescribed rules of evidence; the latter cannot be effectively applied, however, when jurors are exposed in advance to evidence unsworn to and uncross-examined. To state that the passage of time alone will erase

memories is to put faith in what has been termed unmitigated fiction; detailed presentations by the prosecution and defense counsel will, if nothing else, bring to mind much of what appeared earlier in the press and what might well be inadmissible at trial. A clear and present danger to fair trial does, therefore, appear to exist. (Hon. Abraham N. Geller, NYU transcript, pp. 7-10).

2. The validity of the right to know, upon which many of the points raised by the press are based, has recently been questioned. Anthony Lewis has advanced the thought that there is no such right -- that freedom of the press is freedom to publish, not a compulsion for everyone to tell all to the press for immediate transmittal to the public. (New York Times Magazine, 10/18/64, at 94.) Furthermore, although editors often cite the public interest in being kept posted as justification for their continued attempts to obtain information, they would undoubtedly be shocked if required to publish a particular item because the public had a "right" to know. Indeed, newspapermen prize what might be considered their privilege to determine what is and what is not to be published, and considerable difficulty is encountered when one tries to square this with the "right to know" theory. It has also been suggested that the latter is not compatible with the Fifth Amendment -- that if there were such an absolute right to know, an individual could be compelled to speak even though he preferred to remain silent. (Letter to the editor, The Legal Intelligencer, no date).

3. To advocate that restrictions be imposed on the news media is not to maintain that law enforcement officials should be allowed to function without public scrutiny. Most commentators have been careful to distinguish between editorials and criticisms, which should be given complete First Amendment protection, and the reporting of criminal records, confessions, and similar "judicial" facts. (Goldfarb, New Republic, 2/29/64, p. 14). That the press must remain free to comment on police procedures and efficiency, the work of the courts, and matters in litigation, is generally accepted and may be accomplished without sacrificing the objectivity of jurors.

Satisfactory resolution of the problem at hand is made particularly difficult by the strong constitutional precedents supporting both positions. Yet, a weighing of the arguments advanced does suggest the conclusion that some remedial action is essential. The guarantees embodied in the Bill of Rights were clearly intended to be read in light of each other; at present, however, the leeway granted the press under the First Amendment has on several occasions served to obliterate any possibility of preserving a defendant's right to an impartial consideration of his case.

IV. POSSIBLE SOLUTIONS

A. Expansion of the contempt power

Considerable attention has recently been focused on the British experience in regulating press coverage of crimes and resulting criminal actions through liberal employment of the contempt sanction. Adoption of the English practice without some modification would be impractical, however, for there is obvious danger in arming the courts with broad power in this sensitive area. It is also quite evident that there would be a substantial constitutional barrier to such an approach. The British courts have successfully kept the "streams of justice" pure by issuing citations for any publication -- whether distributed before, during, or even after trial -- which might inhibit proper administration of the law. In fact, the stream of justice doctrine has been expanded to such an extent that one could now question whether the British press is actually free with respect to crime reporting. (Goldfarb, New Republic, 2/29/64, at p. 12).

The December statement of the Philadelphia ACLU's board of directors indicates that the Union would oppose any such sweeping application of the contempt weapon. While approving in principle the guidelines proposed by the Philadelphia Bar Association, the ACLU expressed its dissatisfaction with those portions of the re-

port which would restrain the press and defense counsel from criticizing the courts and the administration of justice after conclusion of trial. At this point, when a verdict has been rendered, a strong argument can be made that any slight benefit to be gained from continued restrictions on news media will be overshadowed by the general policy considerations supporting press freedom. This, of course, would extend to protect the dissenting views and reasons advanced by those who might claim that a miscarriage of justice had occurred.

A lenient application of the contempt sanction has recently been advocated by both a Pennsylvania jurist (see Univ. of Mo. Freedom of Information Digest clipping) and a member of the bar (Thomas D. McBride, in The Legal Intelligencer, 11/9/64). They suggest that, where an anticipatory trial by newspapers has occurred, a continuance should be granted, the reasons therefor and the offending publicity placed in the record, a finding of imminent danger to the administration of justice made and a certified copy sent to each of the mass media involved. Should there be a repetition when the case reappears for trial, the publisher would then be summarily charged with contempt. The inconvenience entailed in a continuance and the resulting evidence problems are serious drawbacks to this proposal, as would be the fact that the originial public brainwashing might well prove insurmountable, even at a later date.

B. Voluntary promulgation by the press, bar, and police of a code of professional conduct.

It is quite apparent that the greatest source of harmful information stems from the police, press and prosecutor. At any time, one need only scan a newspaper to find several crime reports preceded by the words "according to police...." This flow of information could be efficiently shut off by enforcement within the police department of a rule preventing the release of prejudicial matter to the press. (Mortimer Todal, NYU transcript, p. 30). Likewise, attorneys, through their bar associations, might agree not to discuss, in advance of or during trials, certain aspects of criminal cases. Thus, in the Massachusetts Guide for the Bar and News Media, attorneys are warned to avoid, among other things, making statements as to innocence or guilt during this period, discussing admissions or "confessions" obtained from the accused, and issuing statements as to what will be proved or who will be called as witnesses. Relevant limitations are also established for the press. With such a code in effect and ratified by key groups of attorneys, broadcasters, and newspaper editors, one might expect to note some marked change in the Bay State. To date, however, the Guide remains largely unimplemented.

The harsh fact is that, until these codes are supported by meaningful sactions -- e.g. possible disbarment in the case of at-

torneys and disciplinary action against offending police -- there will not be any stimulus to prod compliance. Indeed, so long as sanctions are lacking, there is every reason for the interested parties not to comply. Heavy newspaper crime coverage provides the police with a source of public recognition and facilitates convictions; for the prosecutor, it provides publicity to help advance a professional or political career. The press also benefits, since concentration on criminal reports has generally resulted in increased sales. (John Lofton, NYU transcript, p. 36). Thus, there appears to be a natural alliance among prosecution, police, and press -- an alliance which will function against fair trial principles unless and until affirmative action is taken to change this course. Codes, by themselves, probably will be ignored; just as Canon 20 of the American Bar Association Canons of Professional Ethics, which essentially prohibits newspaper publications by a lawyer as to pending or anticipated litigation, has been routinely violated. A similar fate can be expected for the recent policy statement of the Philadelphia Bar, for it too lacks teeth. As a result, for the ACLU to encourage self-restraint and the promulgation of codes will be nugatory unless effective sanctions are part of the package, and, in any event, it is doubtful whether such are possible as against the press.

C. Trial by judge

It has been suggested that the effects of pre-trial publicity could be minimized either by placing in the defendant's sole discretion the right to waive trial by jury or by allowing the court to take a case from the jury when it appears that notoriety, public pressure, or press comment will prevent a panel from impartially reaching a decision. (Goldfarb, 36 N.Y.U.L. Rev. at 831-2). Federal policy in the past, however, has been to forbid waiver, and the Sixth Amendment, of course, would prevent a defendant from being deprived without consent of a trial by his peers. The proposed change rests on an assumption that, since the judge must rule on the admissibility of evidence, he should not, at least consciously, be influenced by prejudicial material which might reach him via the press. In theory, this is wholly logical; one must question, however, just how immune the bench actually is to inflammatory coverage by the news media. Furthermore, and most important, both the philosophy and reasons underlying our traditional guarantee in criminal cases of a trial before jurors rather than judges should be given considerable weight. It is doubtful whether curtailment of this practice could be justified so long as other means, if utilized, would make possible the selection of an unbiased jury.

D. Trial behind closed doors

Since judges have been allowed to clear the courtroom where delicacy and gentility warranted exclusion of spectators, it appears that such action would also be justified if taken to protect the proceedings from sensationalism. It is clear that a defendant may demand an un-public trial; at present, however, the case of People v. Jelke, 308 N.Y. 56, 123 N.E. 2d 769 (1954), will -- in New York and other jurisdictions similarly inclined -- prevent a trial judge from excluding the press and general public on his own motion and over the defendant's objection. Although arguments have been advanced in an attempt to show that this position is unsound (Goldfarb, New Republic, 2/29/64, at 13), the advantages to be gained from a closed proceeding are minimal. In many instances, if not most, the news reports published during trial are not as prejudicial as those which appear immediately after commission of the crime and while police investigation is being conducted. As a result, irreparable damage has often occurred before the courtroom doors can be closed. Circumscription of a defendant's right to a public trial on this ground would thus be difficult to justify.

E. Complete "choking off" of press information sources

If nothing is made available for the press to observe and record, then clearly media interference with a fair trial shoud be effectively eliminated. This would require that records of

pending cases, along with police records, be kept secret. In addition, silence would have to be maintained by law enforcement officers, the prosecutor, and defense counsel both before and during trial. There would thus be absolutely no publicity and, in this relative vacuum, a dispassionate, judicious proceeding could be had. (Erwin N. Griswold, Harvard Today, Jan. 1965, pp. 9-13.) Records might be effectively removed from reporters' reach, and police and prosecutor could be prohibited from discussing any aspect of a criminal case by appropriate interdepartmental regulations. Thus, U.S. Attorney for the State of Connecticut, Jon O. Newman, recently ordered his assistants not to talk about prejudicial matters with representatives of the press; when in doubt, they were told to remain silent. Something more would be needed, however, to assure compliance by defense counsel. The clamor almost certain to accompany such steps would make legislative rather than administrative implementation preferable. In addition, it would remain essential to impose some obligation upon the press not to publish inflammatory material which it might inadvertently or otherwise obtain.

F. Regulation by court rule

The New Jersey Supreme Court last fall ordered that policemen, defense lawyers, and prosecutors refrain from issuing potentially prejudicial statements to news media at any time before

a verdict has been reached. The court claimed its ruling would be enforced on lawyers through disciplinary powers under the canons of professional ethics, and that improper remarks by policemen should be dealt with by superior officers. Similarly, Dean Griswold has suggested that the ABA set up a high level committee for the purpose of formulating rules in this area and recommending them to courts for adoption; where adequate rule-making power is not available, the substance of the rules would be put into statutory form and enacted by the legislatures. (Harvard Today, 1/65, at p. 12).

G. Statutory solutions

1. S. 1802

This bill, introduced by Senator Morse in the last congress, provided that it would be a contempt of court for any Federal employee, defendant, or defense attorney, "to publish information not already properly filed with the court which might affect the outcome of any pending criminal litigation, except evidence that has already been admitted at the trial...;" a minimum penalty of $500 was prescribed for each violation. Under this proposal, an aggrieved defendant would have only to show that the jury had access to inadmissible evidence; the burden would then shift to the prosecution to prove there had been no resulting adverse effect on conduct of the trial. (Cong. Record, p. 21).

S. 1802 would effectively prevent the leaking of information to the press by law enforcement officials and other officers of the court. It would not, however, reach newsmen who are able to secure and publish prejudicial information from police and others who might be undeterred by the statute. To this extent, the Morse Bill appears inadequate, for, by failing to restrict activities of the press, it would leave unchecked the vehicle through which much of the harm has been accomplished. Of additional note is the fact that this proposed law limits the usual authority of the court by providing that any contempt under its provisions be punishable only on motion of a party to the litigation. This potential loophole has been criticized by the Judicial Conference of the United States (33 LW 2324, Dec. 29, 1964), and its elimination would appear advisable.

2. The Meyer proposal

Given ACLU approval of the detailed Philadelphia Bar policy statement, it would be consistent for the Union to support legislation similar to a proposal advanced by New York Supreme Court Justice Bernard Meyer. Applicable to newsmen, broadcasters, lawyers, and others involved in criminal proceedings, such a statute would flatly prohibit disclosure of certain specific facts (e.g. existence of a confession or a prior record) and would make other enumerated practices (interviews with victims of a crime, appeals

to racial bias, etc.) violations in the event that they were deemed substantially prejudicial in a particular case. (New York Times Magazine, p. 100). This solution appears to reflect a desire to give enhanced importance to the guarantee of a fair trial while still retaining some leeway for operation of the free press doctrine in crime reporting.

file - A.C.L.U. - Georgia

GEORGIA CIVIL LIBERTIES

No. 4 February, 1965

PA AV RJ MA - Hubert

BP SW - file

Nominations for 1965 - 1966

The nominating committee which is reporting consisted of: Mr. David Comer III, Mrs. Neil Moran, Mr. Howard Moore, Jr. Mrs. Frances Pauley, and Mrs. M. E. Richardson, Chairman.

Officers:
(All of Atlanta save Secretaries, of Decatur and Savannah, resp.)

Mr. Hugh Gilbert, President
Rev. Samuel Williams, First V. Pres.
Mr. Howard Moore, Jr., Second V. Pres.
Mrs. Leon Goldberg, Recording Secretary
Mrs. Frank Spencer, Corresp. Secretary
Mr. John Glustrom, Treasurer

Board of Directors:

Mr. Don Franks of Augusta, to 1968
Miss Jeannette Hume of Atlanta, to 1967
Dr. Edward T. Ladd of Atlanta, to 1968
Mr. Kieve Landesberg of Atlanta, to 1966
Mrs. Neil Moran of DeKalb Co., to 1968
Dr. H. C. Steinmetz of Atlanta, to 1968

Additional nominations may be made by petition of any two members, provided there is an attached signed statement expressing willingness of nominee to serve if elected, such petition to be filed with secretary (Mrs. Eleanor Richardson, 755 Park Lane, Decatur) not later than a month before the annual meeting, according to Sec. VII of Constitution.

Robert Cohn, Treasurer, Resigns.

Regretfully, the board of ACLU of Georgia accepted the resignation of Robert Cohn, who has accepted a position in Washington as trial examiner with the National Labor Relations Board. Mr. Cohn was one of the prime movers in the formation of the Georgia affiliate.

John Glustrom, a member of the board, has agreed to assume the responsibilities of treasurer until the annual meeting.

Threatening Events in the Legislature

Overlooked by the press and public as they concentrate on other more dramatic happenings at the State Capitol was the passage by the Georgia House of Representatives of one of the so-called "Freedom Amendments" now working their way through state legislatures

over the country. If it should be passed by the Senate, Georgia would be added to the growing list of states (approximately 20) petitioning Congress for an amendment to the U.S. Constitution which in effect withdraw federal protection from a specific area of political life.

One of three amendments proposed several years ago by the legislative conference of the Council of State Governments, this particular resolution has been given impetus by state reaction to the recent apportionment rulings of the Supreme Court. In dissatisfaction over the one man-one vote decisions, the state legislatures are resorting to proposals which could establish a series of dangerous precedents by suggesting that jurisdiction over apportionment cases be taken from Federal Courts. Obviously a next step could be to remove Federal jurisdiction from other areas whenever there might be disagreements with decisions on, for example, civil rights or church-state relations. Such a sequence could logically lead to the piecemeal destruction of our traditionally independent judiciary and of the equal protection guarantees of our Constitution.

Not only would this proposed amendment overturn the principles of the Fourteenth Amendment, it would, along with a somewhat similar resolution just passed by both House and Senate, permit the states carte blanche in determining the base of representation in their legislative bodies. This could lead to various forms of discrimination in establishing apportionment and could also actually weaken the Constitutional guarantees of a republican form of government. It is indeed disturbing that in frustration over the ruling concerning their own reapportionment, Georgia's legislators have chosen to support proposals which could only undermine those processes which are so basic to our Constitutional system.

* * * * * * * *

Recent proposals in the Georgia General Assembly regarding, among other matters, sterilization, obscene literature, tax listings (relevant to jury selection), and, of course, apportionment, indicate the need for continuing ACLU attention. In other words, our affiliate needs a legislative watchdog committee. If you are interested in any specific legislation appropriate to ACLU activity, or have time to observe at the Capitol, please contact the Board. Remember that the State Legislature, that often belittled branch of government, is responsible for the body of state criminal and civil law, as well as much of the regulation of court and police procedure. It would seem imperative that our Georgia ACLU affiliate have a committee to keep up with legislation affecting these important areas of concern. If you are desirous of being an active member of ACLU and do not know where your talents fit in, this is an area in which you are needed and can make an invaluable contribution.

Charlotte Moran, Legislative Com.
1802 E. Clifton Rd., Atlanta, 30307

* * * * * * * *

Charlotte Moran, membership chairman, has obtained copies of a new pamphlet, "What Is The ACLU?" Contact her at 1802 E. Clifton Rd., Atlanta, 30307, if you would like copies.

* * * * * * * *

This year's annual meeting will be held April 28. Notices will be sent out specifying the time and location. Make a note of the date! On the agenda will be reports from the chairmen of the committees followed by discussion from the floor.

Any member who is interested in joining one of the committees is invited to do so. The committees and their chairmen are as follows:

Church and State: Mr. Samuel C. Wexler
12 McIntosh Dr., Savannah, Georgia

Academic Freedom: Mr. Jon Johnston
1284 Fairview Rd., N.E., Atlanta 6, Georgia

Implementation of the Civil Rights Act:
Mrs. R. N. Parker
Neely Farm, Norcross, Georgia

School Desegregation: Dr. Alexander McPhedran
1748 Vickers Circle, Decatur, Georgia

Police Powers: Dr. Lloyd A. Moll
235 Taylor St., Americus, Georgia

Criminal Justice and Due Process:
Mr. Frederick Robin
926 Crane Rd., N.E., Atlanta, Georgia

Report From the Ad Hoc Committee on Libel to the ACLU

In the Spring of 1964 the Supreme Court of the United States handed down a unanimous decision in the case of New York Times vs. Sullivan which had important implications for freedom of speech as it applies to criticism of public officials.

The case involved a suit brought by L. B. Sullivan of Montgomery, Alabama against four Negro clergymen of that state and against the New York Times for an advertisement which appeared in the Times on March 29, 1960. Sullivan was Montgomery's Commissioner of Public Affairs at the time. Entitled "Heed Their Rising Voices," the advertisement began by stating that "as the whole world knows by now, thousands of Southern Negro students are engaged in widespread non-violent demonstrations in the positive affirmation of the right to live in human dignity as guaranteed in the United States Consti-

tution and Bill of Rights." It went on to charge that "in their efforts to uphold these guarantees, they are being met with an unprecedented wave of terror by those who would deny and negate that document...." Succeeding paragraphs purported to illustrate the "wave of terror" by describing certain alleged events.

Of the ten paragraphs of the text in the advertisement, the third (which alleged in part that Negroes at Alabama State College had been padlocked into their dining hall in an effort to starve them into submission after a demonstration on the steps of the State Capitol) and the sixth (which intimated that the local authorities were implicated in the bombing of the home of Dr. Martin Luther King) were the basis of the libel suit. It was uncontroverted in court that some of the statements contained in the two paragraphs were not accurate descriptions of events which occurred in Montgomery. While Sullivan's name was not mentioned nor was that of the Montgomery police, he nevertheless claimed that the signers of the advertisement had him in mind. The Circuit Court of Montgomery County awarded him $500,000 general damages for injury to his reputation, the full amount claimed, add the Supreme Court of Alabama affirmed.

In an opinion of Mr. Justice Brennan the U.S. Supreme Court reversed the Alabama decision. The Court held that "the Constitution guarantees, we think, a federal rule that prohibits a public official from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with 'actual malice'--that is with knowledge that it was false or with reckless disregard of whether it was false or not.... We hold today that the Constitution delimits a State's power to award damages for libel in actions brought by public officials against critics of their official conduct."

In separate concurring opinions Justices Black, Goldberg, and Douglas urged that the Court should have decided the case on broader grounds, namely that the private citizen should have an "absolute, unconditional privilege to criticize official conduct despite the harm which may flow from excesses and abuses." Implicit in their general attitude was a suspicion that Southern juries or judges would have no trouble convincing themselves that "actual malice" was present if this was what was required as a basis for damages: "If individual citizens may be held liable in damages for strong words which a jury finds false and maliciously motivated, there can be little doubt that public and private advocay will be constrained."

Several lawyers in high-level positions in the American Civil Liberties Union shared with the three concurring justices a concern that the Times holding would not adequately protect a citizen accused of libel by a local official in the South. A loose definition of "malice" might allow Southern juries to destroy the cloak of immunity intended by the Court. This position was spelled out in a detailed statement by Professor Samuel Hendel, of the Department of Political

Science City College of New York. Hendel voted with concern that there were numerous other cases pending in Southern Courts where local officials were trying to choke off criticism of their behavior through libel suits. A contrary view, spelled out by George Soll, a New York attorney, approved the more limited ground taken by the Court majority. There were other points of difference between Hendel and Soll, but this was the main one.

The ACLU New York office decided that the issue was of such magnitude that the opinions of its various state affiliates should be ascertained and wrote to the affiliates accordingly. In December, 1964 an ad hoc Committee on Libel of the Georgia Civil Liberties Union met to go into the question raised by the Times decision and to make a recommendation to the Georgia Board of Directors. The Committee consisted of Miss Helen Bullard, former administrative assistant to Atlanta's Mayor Hartsfield; Mr. Henry Bowden, Legal Councel of the City of Atlanta and Chairman of the Emory University Board of Trustees; Mr. Louis Regenstein, attorney; Mr. Harold Abrams, attorney; and Dr. Henry J. Pratt, assistant professor of Political Science, Emory University, who served as chairman. The ad hoc Committee brought in a recommendation favoring Mr. George Soll's position. The Committee took the position that public officials might still sue for damages, but only if statements against them are proved to have been false and made with a deliberate and malicious intent. The Georgia Board approved this recommendation at its meeting on February 8 and had notified the national office of its stand.

Speaker Snowbound, Meeting Successful

Snowstorms and heavy fog in the Midwest caused the ACLU of Georgia to hold an unscheduled but successful business meeting on Friday, December 4 in the Biltmore Hotel, Atlanta. Charles Morgan, the director of the southern regional ACLU office, was due to address the meeting but was snowbound in Chicago. His absence provided the opportunity to bring up matters of business with the assembled members.

Some technical aspects of the organization were mentioned by the President, Mr. Edward Ladd. He explained that the Board, at its recent meeting, had approved the establishment of six committees--as enumerated elsewhere in this Newsletter--offering an opportunity to each member of the ACLU of Georgia to become personally involved with at least one of the several aspects of its work. He urged participation and stressed the need to make the Georgia UCLA better known. Its growth during the first year of its existence was indicated by the figures supplied by the Membership Chairman, Mrs. Charlotte Moran. She stated that the initial number of 130 members had increased to 270 with nuclei in Savannah, Athens, and Augusta whereas individual members are widely dispersed over the state.

The next subject under discussion was the federal hearing in Augusta held in December by the Civil Rights Advisory Committee. Several members took the floor on this issue and argued that the ACLU of

Georgia ought to be officially represented at this hearing. The president agreed. The Board was invited to contact some member in Augusta for this purpose. Mr. Howard Moore elaborated impressively on the issue indicating the need for special attention to be given, among other subjects, to bail bond and public housing not only on the basis of the recently passed Civil Rights Act but of 1866 and 1875.

A discussion followed about discrimination against Negroes in the formation of juries. Mr. Moore reported on a recent rape trial in which a young Negro was convicted by an all-white jury and subsequently sentenced to ten years in prison, although it was obvious from the details of the case that there was serious question as to his actual guilt.

The lack of liberal leadership in Atlanta and the dispersion of effort over too many organizations was also mentioned. One member expressed concern that crucial decisions about local matters, such as reapportionment of the legislature, were not receiving attention and action from liberal groups.

Several more suggestions were made and questions asked, for example, whether there is any school or other desegregation in DeKalb County. A discussion followed about the possibility of initiating action in school desegregation.

The president summarized the meeting and asked those present to consider what the Georgia ACLU faces and what it is supposed to do. He emphasized once more that every individual member should become active even if he is already overburdened by work in other organizations because the ACLU covers an extensive area that is not covered by any other group. The lively and possibly fruitful meeting adjourned at 10:06 p.m.

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American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

March 3, 1965

To: Free Speech/Association Committee

From: The Office

Re: Position on Rejection of Advertising

The Committee's policy recommendation on rejection of advertising by communications media was not reached for action at the last Board meeting. In the meantime, two additional points have been raised which the Committee may want to consider at its coming meeting, prior to Board action on the recommendation.

1. The Philadelphia affiliate of ACLU has been concerned with the rejection of advertising by communications media for some time. Its Freedom of Expression Committee has considered this Committee's recommendation of February 17, 1965, and proposed two amendments:

> "The Committee endorsed the formulation of policy recommended by the Free Speech-Association Committee of the national ACLU, with the following two amendments:
>
> 1. In the last sentence, substitute 'criteria and standards' for 'regulations.' (This would constitute ACLU's recognition that a publication could reject advertising that would not comport with the aesthetic or artistic standards that the medium seeks to maintain.)
>
> 2. Add a sentence to the effect that media which enjoy a monopoly or quasi-monopoly status, such as common carriers (taxicabs, transit companies) are, by virtue of the franchise conferred upon them by government, under an especial obligation to maintain the 'open' policy, quite apart from any legal or constitutional issue."

2. In 1963, our Radio/TV Committee considered a complaint made by the Committee for Morton Sobell. The Sobell Committee had prepared a documentary film giving its version of the history of the Sobell case. It offered the film free to several TV stations, and even offered to purchase time for running the film. Its requests

were refused.

The Radio/TV Committee treated the problem of the barring of the film as one of whether TV stations were exercising reasonable discretion in determining program content. The Committee concluded that, since the Sobell case had been the subject of a great deal of radio and TV discussion in which members of the Sobell Committee had participated, the networks were not exercising unreasonable editorial judgment in refusing air time for Sobell material, particularly in view of the networks' policy of producing their own documentaries. The Committee took no position on the broader issue of propaganda groups having the right to buy time for special pleadings -- other than to suggest the criterion of whether significant issues received adequate coverage on the air.

Jack Pemberton raises the question of whether the Sobell documentary should be considered as an "advertisement" under the proposed policy statement. If so, should there be an obligation on the part of radio and TV stations -- in addition to the current FCC requirement that important segments of opinion be fairly represented by broadcast media -- that stations not refuse to sell air time to groups who want to present their views through films, "documentaries," or other audio-visual materials. Is this any different from seeking to publish a full-page ad in the New York Times criticizing our policy in Viet Nam? Should the proposed statement deal with this problem?

Rec'd 3/30/65

March 29, 1965

Memorandum

To: John de J. Pemberton, Jr.
Henry Schwarzschild

From: Charles Morgan, Jr.

Leslie W. Dunbar of the Southern Regional Council advises me that we are free to use his name in fund-raising efforts for LCDC. I think this can be very valuable with many foundations.

CM:jl
cc: Leslie W. Dunbar

March 29, 1965

The March Board meeting of the American Civil Liberties Union of Georgia was held at the home of E. Ladd on March 29, 1965 ~~with the following members~~ present: Glustrom, Ladd, Richardson, Steinmetz, and the committee chairmen, Gibert, Johnston, Barnum, McPhedran, and Moran in attendance. Regrets were received from Bullard, Hocking, and Morris.

J. Glustrom moved and H. Steinmetz seconded that the minutes of the February Board meeting be approved as distributed. Motion carried.

A letter from National office was read denying our request for a $5000 financial grant. The members of the Georgia Board suggested that Mr. Charles Morgan speak at length at a future board meeting on the activities and relationship of the Southern Regional office and the Georgia affiliate in connection with the above mentioned letter.

It was moved by Richardson and seconded by Steinmetz that the corresponding secretary write Board thanks to C. Moran and J. Johnston for their statements on Selma and reapportionment done for the Georgia affiliate during the month. Motion carried.

J. Johnston reported on his committee work in regard to the Loyalty Oath. It was moved by E. Richardson and seconded by J. Glustrom that the Board approve the action of the Committee on Academic Freedom and the Committee on Lawyers in regard to testing the administrative and statutory loyalty oaths, the security questionnaire (used by the Board of Regents), and approve the payment of costs of filing fee, and as much financial help as possible in costs of appeal. Motion passed.

H. Gibert reported for the Lawyers Committee on the Daniel Hinson right to counsel case. Morris Brown and H. Gibert prepared the brief.

A. McPhedran reported for the School Desegration Committee. J. Glustrom moved and E. Richardson seconded that the Board authorize the Committee on School Desegration at the appropriate time to submit an inquiry to the DeKalb County Board of Education as to what action they are taking pursuant to the compliance certificate action. Motion carried.

It was moved by H. Steinmetz and seconded by J. Glustrom that the Board thank the Nominating Committee. Motion carried.

It was moved by E. Richardson and seconded by J. Glustrom that the Board thank the ACLU Libel policy committee. Motion carried.

It was moved by H. Steinmetz and seconded by J. Glustrom that E. Bondurant be appointed a delegate to the Plenary Board Meeting of ACLU in New York City April 3 and 4. Motion carried.

After discussion of the codification of policies and procedures as presented, it was moved by J. Glustrom and seconded by H. Steinmetz that this codification be adopted (copy attached). Motion carried.

The annual meeting of the ACLU Georgia affiliate will be April 28 at the YWCA with Marion Glustrom as chairman and program consisting of reports from the standing committees.

It was moved by H. Steinmetz and seconded by J. Glustrom that the Board be authorized to refer the Ashton Jones case to the Lawyers Committee for study with authorization to act. Motion carried.

It was decided that H. Steinmetz ask Charles Morgan to investigate the situation of Donna Allen before the Executive Committee of the House Unamerican Activities Committee and possible action.

It was moved by E. Richardson and seconded by H. Steinmetz that J.Glustrom initiate a statement against discrimination in any loan of federal money for President's signature. Motion carried.

Meeting adjourned at 11 P.M.

Respectfully submitted,

Eleanor Richardson

Eleanor Richardson, Secretary

Adopted 3/29/65

By-Laws of the American Civil Liberties Union of Georgia

I. Meetings of the Board of Directors

ATTENDANCE. The Chairmen of all standing committees and the Director of the ACLU Southern Regional Office shall be invited to all meetings of the Board of Directors and shall receive copies of the minutes of the meetings.

Other guests may be invited only at the President's or the Board's discretion.

MINUTES. Minutes of Board meetings will in so far as feasible be peproduced and distributed to Board members and others entitled to receive them well in advance of subsequent meetings. (After their approval ten copies are to be sent to the national office.)

II. Standing Committees.

The standing committees shall be as follows:

1. Committee of Lawyers
2. Newsletter Committee
3. Membership Committee
4. C ommittee on Church and State
5. Committee on Academic Freedom
6. Committee on Implementation of the Civil Rights Act
7. Committee on School Desegregation
8. Committee on Police Powers and Exercise of the Same
9. Committee on Due Process and Criminal Justice
10. Legislative Committee

CHAIRMEN. Committee chairmen will be named by the Board or proposed by the respective committees and ratified by the Board.

Members of the organization may join and work with committees of their choice.

PROGRAMS AND ACTIVITIES. Except as provided in these By-Laws, each Committee will - within the general limits of organization policy - formulate its own program and choose the means of work it finds most appropriate.

COMMITTEE OF LAWYERS. This Committee will make recommendations to the Board especially concerning legal matters which it believes involve civil liberties issues, and the Board will in turn make suggestions to the Committee. The Committee will take legal action in regard to such matters in accordance with its judgement when such is approved by or in the name of the Board.

The Committee will screen all prisoner mail received by the organization.

The Committee will also advise the Board and the officers on legal problems.

NEWSLETTER COMMITTEE. This Committee shall publish in the organization's newsletter information and materials transmitted to it by the Board for this purpose and such other materials as it deems appropriate, especially news notes on civil liberties situations throughout Georgia. It will check with established sources for the facts. However, where there is an accusation that an individual or institution has violated civil liberties and a question as to whether the proposed report might be libelous, the Committee shall consult the Committee of Lawyers as to whether or not to invoke the following procedure:

1. The institution or individual accused of violating civil liberties will be given a copy of the charges in such a manner as may be approved, with a request for a confirmation, denial, or explanation.
2. Nothing shall be printed or acted upon until answering material has been received or no answer has been received in a reasonable length of time.

Copies of official correspondence dealing with suitable matters shall be sent to the Newsletter Committee by the Board and the officers.

Ten copies of the newsletter will go to the national office.

III. Public Statements

When circumstances do not permit the summoning of a meeting of the Board, emergency action is authorized by agreement of the President or his designate and two other officers, for implementing policies of the organization.

When the President or the Chairman of any standing committee presents to a public official or the press a personal statement on a civil liberties matter which is consistent with the policies of the organization, he is authorized to identify himself by citing his official connection with the ACLU of Georgia.

IV. Budget and Disbursements

The Board will from time to time adopt a budget for a fixed period of time. The appropriate officers and standing committees are authorized to spend funds allocated in the budget consistently with the organization's policiez.

V. Robert's Rules of Order

Except as otherwise stipulated in the Constitution or the

By-Laws, the ACLU of Georgia will abide by Robert's Rules of Order.

VI. Amendment

These By-Laws may be amended at any Board meeting, provided previous notice has been given that amendments will be proposed.

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April 28, 1965
Annual Meeting

The Annual Meeting of the American Civil Liberties Union of Georgia was held April 28, 1965 in the first floor lounge of the Y. W. C. A., Atlanta, Georgia, President E. Ladd, presiding.

As part of the President's report of the second year's work, the following points were made:

Four issues of the Newsletter under the direction of Mrs. Barbara Barnum; attendance at a Southern regional meeting of the ACLU at which the feasibility of a regional office was discussed (this later became a reality and the location of same in Atlanta is a great advantage to the Georgia affiliate); a press party in honor of Mr. Charles Morgan was held; public statements have been issued on the abuse of the Judiciary (at election time), reapportionment, Selma; two assignments from National office were undertaken and report submitted on teaching about communism and ACLU policy on libel as far as public officials are concerned. Much time was spent in organizational activities, standing committees were appointed. E. Ladd recommended a tremendous push for membership and increased budget in order to secure an office and paid help and thus be able to have a really statewide organization. Work in every field of civil liberties is waiting to be done and therefore there is something for everyone's taste.

Membership Chairman Charlotte Moran reported a 2/3 increase in membership. We now have 280 members, 190 in the Atlanta metropolitan area. Best means of increase in membership by each member telling and securing friends to join. There will be a visit in May by a National office member and membership will be discussed.

Treasurer J. Glustrom expressed thanks to E. Ladd for his leadership as President. Balance as of 4-28-65, $1217.00.

Hugh Gibert, Chairman, reported for Committee of Lawyers. About 15-20 lawyers have been meeting and specific cases worked on were highlighted by H. Gibert. Mr. E. Bondurant will be the new Chairman of the Lawyers' Committee.

Mr. E. Hall reported for the Criminal Justice and Due Process Committee which has met once and suggested the following areas to investigage: the need to post two separate bonds on a single charge (commitment and trial court); the need for a public defender; possibility of decentralizing Atlanta-precinct police stations; possibility of abuses in probation and parole procedures.

Mr. J. Johnston reported for the Academic Freedom committee. They are working in conjunction with the Lawyers' Committee and the ad hoc committee of the State AAUP concerning the security questionnaire, administrative oath, and statutory oath required by State employees. The committee will meet further to consider other areas, possibly the right of the student to academic freedom.

Dr. A. McPhedran reported for the School Desegregation Committee which has been working chiefly in the DeKalb County school system area.

Mrs. N. Mykel reported for Dr. L. Moll for the Police Powers Committee which asked direction of the board and the Annual meeting in the following areas: limit of police authority; a Georgia Bulletin similar to others which have been done in other states-What to do if you are arrested in Georgia ; followup on instances of alleged police brutality; adequacy of police training; survey of policy pay, methods of recruitment, standards, commendation if a good job being done, work for higher standards and increased pay. Members of the meeting suggested also work on a civilian board of review and to check Southern Regional Council to see what survey material in this area is available there.

The results of the election were as follows:

OFFICERS

Mr. Hugh Gibert, President
Mr. Donald L. Hollowell, First Vice-President
Mr. Howard Moore, Jr., Second Vice-President
Mrs. Leon Goldberg, Recording Secretary
Mrs. Frank Spencer, Corresponding Secretary
Mr. John Glustrom, Treasurer

BOARD OF DIRECTORS

Mr. Don Franks , expires, 1968
Miss Jeannette Hume, expires, 1967
Dr. Edward T. Ladd, expires 1968
Mr. Kieve Landesberg, expires 1968
Mrs. Neil Moran, expires, 1968
Dr. H. C. Steinmetz, expires, 1968

The new board will fill vacancies caused by resignation of Miss Boaz, expires in 1967, and the newly elected Mr. D. Franks, expires in 1968.

President thanked Marion Glustrom for arrangements for Annual Meeting. The new President H. Gibert spoke briefly on the need for more membership meetings and the need to build membership.

Meeting adjourned.

Respectfully submitted,

Mrs. Marlyn E. Richardson
Secretary

May 31, 1965

MINUTES OF AMERICAN CIVIL LIBERTIES UNION OF GEORGIA, MAY 1965

The May Board meeting of the American Civil Liberties Union of Georgia was held at the home of H. Gibert on May 31, 1965 with the following members present: Gibert, Glustrom, Goldberg, Broiles, Hocking, Hume, Ladd, Moran, and committee chairmen Bondurant, Barnum, Johnston and McPhedran in attendance, along with C. Morgan, Southeastern Regional Director. Regrets received from Parker, Hollowell, Moore, Branch, Moll, Landesberg and Hall. Guests: Mrs. Broiles and Mr. Callan.

J. Glustrom moved and E. Ladd seconded that the minutes of the March Board meeting be approved as distributed. Motion carried.

Treasurer J. Glustrom reported that the treasury had $1,300 on hand with an expectation, based on projected memberships, of $100 a month for the remainder of the year from National. Moran moved and Hocking seconded that the treasurer's report be adopted. Motion carried.

E. Bondurant, Chairman of Lawyer's Committee, reported that there were from twelve to fifteen new recruits for the Lawyer's Committee. Reported that the status of the Loyalty Oath case was that the Board of Regents refused to request a ruling from the Attorney General on the loyalty oath or to take voluntary action, although some of the members were in sympathy with the position taken by the ACLU and the AAUP. A suit will be filed pending the selection of a litigant. In further negotiations with the AAUP, it was agreed that the two organizations share in financial participation.

The Lawyer's Committee, in cooperation with the State Bar Association, will also investigate the possibility of violation of due process in cases where indigents are not permitted the right to counsel in the state courts. H. Gibert added that the Lawyer's Committee had intervened in the case of Douglas Ashley, a man arrested in Atlanta for murder in Texas. Gibert and Bondurant were unsuccessful in waiving extradition on the grounds of insanity.

H. Gibert reported that a lawyer from Columbus asked ACLU help in defense of a sign painter who writes scurrilous messages on his walls about certain public officials in the city. ACLU will follow the case.

B. Barnum raised the question of whether certain high school students are required to take the Loyalty Oath in special instances. J. Johnston asked that information on this be given to the Academic Freedom Committee.

D. Broiles described the case of a Negro school principal in a small Georgia county who was dismissed without cause. C. Morgan pointed out that firing a man because of racial views can be construed as use of a state agency for racial discrimination. H. Gibert suggested that the man refer his problem to the GTEA and if it is unable to act, the Lawyer's Committee could be contacted.

H. Gibert announced that a hearing will be held this summer by a state committee on Capital Punishment. E. Ladd moved and F. Goldberg seconded that the Chairman appoint a committee responsible for stating the ACLU position. Motion carried. D. Broiles selected as chairman with J. Johnston and E. Bondurant as members.

(more)

D. Broiles reported the case of a fifteen year old Negro boy charged with murder in an auto accident in which a man allowed him to drive without a license. C. Morgan suggested keeping in touch with the case to make sure it is handled constitutionally.

B. Barnum suggested investigation of Juvenile Court operations which is totally segregated. C. Moran moved and E. Ladd seconded that E. Hall's Committee on Due Process investigate the Fulton County Juvenile Court and submit a report. Motion carried.

J. Glustrom reported incidents of police brutality in Perry, Ga. from Georgia Council on Human Relations files. E. Ladd moved and R. Hocking seconded that these cases be referred to L. Moll in Americus, Chairman of Committee on Police Powers. Motion carried. A letter from L. Moll was read, outlining his recent civil liberties activities.

H. Gibert announced that he has received a solicitation for funds from the Lawyers' Constitutional Defense Committee which will send lawyers to Mississippi to defend civil rights cases.

H. Gibert suggested that Mrs. Florence Robin be hired as Executive Secretary. She will work one day a week at a salary of $150 a month. The Georgia Council office offered space and facilities in return for sharing the expenses which would come to about $40 a month. He read a letter from Mrs. Robin outlining plans for this office which would include writing press releases, helping with the Newsletter, serving as a central office for the organization, etc. J. Glustrom moved and C. Moran seconded that Mrs. Robin be hired for a four-month trial period to begin at her convenience. Motion carried.

It was suggested that the Speaker's Committee be reactivated and coordinated through the central office. Appointment of a chairman was left for a future date.

C. Moran reporting for the Membership Committee said that many new members had been added and that membership was near 300 for Georgia. H. Gibert suggested that high school and college teachers be encouraged to join. B. Barnum pointed out that dues were too high for some prospective members. J. Glustrom suggested setting up a Contributor's Membership for $3 a year. E. Ladd suggested that the Newsletter be sent to members of the press. C. Morgan recommended a program on civil liberties for civics teachers.

It was moved by C. Moran and seconded by J. Hume that a meeting of the Board be held during the summer. J. Glustrom and R. Hocking gave prior notification of their absence from summer meetings. Motion carried.

The meeting adjourned at 11 00 p.m.

Respectfully submitted,

Faye Goldberg, Secretary

File
A.C.L.U. of Georgia

June 23, 1965

Mr. Hugh Gibert
First National Bank Building
Atlanta, Georgia 30303

Dear Hugh:

Because of personal commitments and plans, I wish herewith to resign from the board of the American Civil Liberties Union of Georgia. I had a small role in the formation of the Georgia chapter and for this reason I regret that I have not been a more diligent board member. The board will be better off with a more active person and, in any event, it is not possible for me to serve longer.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD:js

HAAS, HOLLAND, FREEMAN, LEVISON & GIBERT

HERBERT J. HAAS (1905-1953)

JOSEPH F. HAAS
J. KURT HOLLAND
RICHARD C. FREEMAN
S. JARVIN LEVISON
ROBERT H. WALLING
HUGH W. GIBERT
WILLIAM M. SINRICH
RICHARD N. HUBERT
GORDON R. SUGARMAN

ROSE M. SCHREIBER

LAW OFFICES
FIRST NATIONAL BANK BUILDING
ATLANTA, GA. 30303

ACLU of Georgia

June 30, 1965

Mr. Leslie W. Dunbar
Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N.W
Atlanta, Georgia 30303

Dear Leslie

It was a disappointment to me to receive your letter of June 23rd resigning from the Board of the ACLU. I am sure that all of the officers, Board and members share my regret at the loss.

I hope that you will find time to give to us in spite of discontinuing your services to the Board.

Sincerely yours

Hugh

Hugh W. Gibert
President, ACLU of Georgia

JBB

CIVIL LIBERTIES

American Civil Liberties Union Of Georgia 5 Forysth Street, N. W., Atlanta, Georgia 30303

File Read 6/11/65 OH BP LWd

June, 1965

REPORT FROM THE PRESIDENT

The new officers and directors elected at the membership meeting April 28th wish to express through me their appreciation for your confidence. We have entered upon our duties and are full of plans for the coming year.

The first meeting of the new Board on May 31st reached a number of decisions. The most important one was to employ Florence Robin on a part-time basis as a professional staff of one. She has worked for ACLU National for some years and combines experience with enthusiasm for our work. The Board and I are sure that you will get more than full value for the money used to pay Florence and set her up in an office.

Loyalty Oath Case

Emmet Bondurant new chairman of the Lawyers' Committee discussed the loyalty oath case with the Board. Emmet and I will be responsible for the case, in which ACLU and the American Association of University Professors are cooperating in an attack upon the 1935 and 1949 Georgia loyalty oaths and the security questionnaire. The 1935 oath is particularly objectionable to teachers and professors because they alone are singled out as of suspect loyalty.

The 1935 oath enjoins the teacher "to refrain from directly or indirectly subscribing to or teaching any theory of government or economics or of social relations which is inconsistent with the fundamental principles of patriotism and high ideals of Americanism." The vagueness of this oath (and of the other one) and the use of pejorative terminology are surely enough to establish their unconstitutionality.

Membership

One of the goals I am anxious to accomplish while in office is a great increase in membership. Our present total of about 300 is less than twenty per cent of what we can reasonably expect within a fairly short time.

Our office will mail out a membership appeal during the summer. Early this Fall, we plan a special meeting designed to attract new members. You can help by sending us the names of membership prospects and by personally recruiting your friends. If you need assistance - either printed material explaining ACLU positions or a personal meeting, get in touch with our Membership Chairman, Mrs. Neil Moran, or with Florence Robin or me. (You'll find a list of ACLU names and addresses to clip at the end of this Newsletter).

(more)

Speakers Bureau

We are activating our Speakers' Bureau. The officers and members of the Board are ready, willing and able to speak to groups on the subject of the general purposes and activities of ACLU, or on particular ACLU topics, all of them timely and provocative: The House Un-American Activities Committee and the Klan, Capital Punishment, Equal Justice and the Courts, A Tenure Law for Georgia, Loyalty Oaths and Academic Freedom and the like.

Feel free to establish contact with the group -- whether civic, church, fraternal, labor or political -- even before getting in touch with me or Florence Robin or Ed Ladd . We will provide you with a competent speaker. All we need is reasonable notice. And of course, we would be delighted to add the name of any member to our speakers' list.

Capital Punishment Hearings

This summer in Atlanta, a committee appointed by Lt. Gov. Peter Zack Geer will hold hearings on the future of capital punishment in Georgia. Since our State has, in the past thirty-five years, executed more prisoners than any other state in the Union, a public airing of this issue is long overdue.

Board member David Broiles of Athens is chairman of the committee which will prepare an ACLU statement for presentation at these hearings, which will no doubt reflect the recently adopted position of the ACLU National Board opposing capital punishment.

Civilian Review Board Urged

Atlanta Police Chief Herbert Jenkins recently proposed an Inspection Division within the Police Department to investigate police misconduct. The Georgia ACLU responded by proposing instead a review board composed of civilians, not police officers.

Our statement, carried by the Constitution and two television stations, said in part:

"...The community needs to be assured that not only is the Police Department honest, but that it respects the rights of citizens who come in contact with the law. Reports of police brutality, denial of counsel at the time of arrest, and all other charges of illegal police practices need to be investigated fully by an impartial agency not beholden to the Police Department.

"The citizen who is subjected to these practices is likely to be both friendless and penniless and in no position to defend his rights. He needs an avenue of redress which could best be supplied by a Citizens' Board with representatives from every segment of the Negro and white commu nity."

(more)

Civilian Review Board (con't.)

Dr. Lloyd Moll, chairman of the Police Powers Committee, is gathering information on how Civilian Review Boards work in other communities, notably Philadelphia.

Visit of National Director

John deJ. Pemberton, ACLU National Director, will be in Atlanta on June 13th and 14th. We are making plans to entertain him and put him to work, too. He will be interviewed by the press and on WSB-TV, although we do not yet know exactly when the TV interview will be shown. Watch your TV listings for Sunday and Monday.

Mr. Pemberton will also meet with key Fulton and DeKalb state legislators at an informal, off-the-record luncheon. Look for a fuller report on Jack Pemberton's activities in our next Newsletter.

ACLU and You

Ed Ladd will be in touch with you this summer to talk with you individually about your ideas for ACLU, as well as to learn ways in which you can work in areas of your interest.

Chiefly we need, as noted above, to increase our membership at least five-fold. This increase will come only as we respond vigorously to the civil liberties issues of the day; plan active programs that reach into the community; and plan public meetings which by their content and number will attract new adherents. For these first steps, as well as for more ambitious, long-range programs, I look to you for assistance and counsel.

Hugh Gibert, President

ACLU Names to Clip and Keep

Mrs. Neil Moran (Charlotte), Membership Secretary
1802 E. Clifton Rd., N. E. 377-6832

Edward T. Ladd 1236 Springdale Rd. N. E. 377-7775

Florence Robin Executive Secretary
Office: 5 Forsyth Street, N. W. Ja 5-6468
Home: 926 Crame Rd., N. E. CE 7-2071

Hugh Gibert First National Bank Building 525-6141

See ACLU

CROSS REFERENCE SHEET

NAME OR SUBJECT

ACLU-Georgia Co uncil on Human Relations joint project

REGARDING

Rights of poverty folk with the police, and $750 contribution of SRC toward the support of this project, through Georgia Council.

DATE

Pauley ltr. dtd. August 5, 1966
PA transmittal ltr. dtd. August 8, 1966

(SEE)
NAME OR SUBJECT

SEE: Georgia Council on Human Relations

M.C. green

James W. Dorsey
2434 Bk of D.C.
No 3

Thomas M.
Breeden Pa
4490 Powers Ferry Rd.

Ja. 4-5362

Rm. 406

63 Auburn

Ave.

Ted Zeigler - ACLU

ACLU send lit. - type from Ted Zeigler"

to:

1. Alva Lewis pres.
129 Spring N.W.
SE Films

2. Leonard Barker
ex VP
170 Boulevard S.E.
Fulton Theatre, Inc.

3. Bradley Currey Jr.
VP
Trust Co. of Ga.

4. Cecil Alexander
Alex et al
70 Fairlie N.W.

(Mr. Ladd's list

— C. O. Emmerich
Metals
Clerk

— Massell & Mayor
Pl.

— Rodney M. Cook
46 5th St. N.E.
Pl.

Wm. Hartsfield Mayor Emeritus

Joan Allen

— John L.
atty
C & S. Bank Bldg.

Decatur P.O. Station
E. Clifton Rd.

E. Atlanta Station
~~Zone #16~~ - Po ave

523-6753

Station 7.
Highland Rd.

AMERICAN CIVIL LIBERTIES UNION of Georgia

52 FAIRLIE STREET, N. W. ▪ TELEPHONE 404/523-5398 ▪ ATLANTA, GEORGIA 30303

For your info - F. Pauley

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DAVID B. COMER, III, FIRST VICE-PRESIDENT

WILLIAM ALEXANDER, SECOND VICE-PRESIDENT

MRS. LEON GOLDBERG, SECRETARY

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LOUIS REGENSTEIN
RABBI JACOB ROTHSCHILD
MRS. FRANK SPENCER

MRS. FREDERICK E. ROBIN, EXECUTIVE DIRECTOR

TO: Lawyers' Committee, Know Your Rights

FROM: Florence B. Robin, Executive Director

RE: First Draft of Pamphlet

Enclosed is a rough first draft of the Know Your Rights pamphlet incorporating the changes you suggested at your last meeting.

ACLU President Hugh Gibert's suggestions are shown in red handwriting.

Will you be kind enough to write in your own suggestions and mail your copy back to us as soon as possible. If your changes are merely stylistic ones, they will be incorporated without further ado. If, however, they are policy changes I believe the decision to include or exclude can be made by telephone conference. Hopefully there will be very few changes indeed since we have tried very hard to follow the committee's suggestions as closely as possible.

It is very important that your annotated pamphlet be returned as quickly as possible. The artist has already started drawing the illustrations on the theory that although the wording may change, the drawings will not. We would like to have this in print by the end of the first week in September.

Many thanks for all your help.

Florence

Thought you would be interested in this.

Florence is doing a good job and she

GEORGIA COUNCIL
ON HUMAN RELATIONS

Lillian

KNOW YOUR RIGHTS

BLANK

AS AN AMERICAN, YOU HAVE RIGHTS

This book tells you what they are.
It shows you what you can do, and
what you cannot do if you are
questioned or arrested.

POLICEMEN HAVE RIGHTS, TOO

A policeman's job is to protect you
from crime.
When he is doing this, he has the
right to your help.

The pictures on the next pages show
what rights you have, and what
rights policemen have.

You may want to share this book
with your neighbors and friends.

Picture: Officer beckoning citizen

"Say, did you see what happened?"
"Do you know Joe Jones?"

If a policeman asks you a question like this - about something that does not have to do with you personally - it is your job to help him.

Picture: Officer accosting citizen
(hands on hips, maybe)

But suppose he asks you: "What are <u>you</u> doing around here?" or other questions about <u>you</u> personally.

If you want to, you can tell him what you are doing there, but all you need to tell him is your name, your address, and if he asks you, where you work.

Picture: Officer accusing citizen (maybe with hand on suspect's arm)

Ifit sounds like the policeman thinks you did something against the law, ask him: "Am I under arrest?" If he says yes, ask him: "What for?"

If you are under arrest, you do not have to answer any more questions. Whatever you tell the policeman could be used against you.

WATCH WHAT YOU SAY!

5. IF he SAYS: "No, YOU are NOT UNDER arrest," YOU MAY ASK: "MAY I GO?" If he SAYS NO TO THAT, YOU ARE UNDER ARREST and YOU do NOT have TO ANSWER ANY MORE QUESTIONS.

Picture: Citizen looking at policeman's badge number

Try to remember the badge number of the policeman and what he looks like. Also remember what he says and what you say. The same goes for any witnesses.

Later, this could help your lawyer to help you.

Picture: Citizen running from officer.

If you were in trouble before, running away won't help you.

Even if you feel you are being wrongly arrested, DO NOT RUN AWAY.

Picture: Citizen fighting officer
(kicking him?)

Fighting with a policeman is a serious crime.

It will only make things worse. Go with him quietly.

Picture: Citizen being searched by policeman

A policeman does not have the right to search you unless you are being arrested or he has a search warrant.

But even if he searches you when you do not think he has the right, do not try to stop him.

You may tell him: "I do not give you permission to search me."

Picture: Citizen in car stopped by Police.

If you are driving a car, a policeman has the right to see your driver's license and car registration. Show them to him if he stops your car.

If he asks you to, get out of the car right away and walk toward him. Do not give him the idea you are about to run him down or harm him.

Picture: Officer knocking at door

If a policeman asks to come into your home, you do not have to let him in. The law says: "Your home is your castle."

Picture: Tenant opening door
to length of chain

If the policeman has a search warrant, ask for a copy of it. Make sure the warrant talks about <u>your</u> home.

Picture: Officer standing in open doorway (his back)

If he insists on coming in without a warrant, do not try to stop him. You may say: "I do not give permission for you to search my home."

The same thing goes for searching your car.

Picture: Officer writing receipt

If the police take anything of yours - from your house or your car or from you - you may ask for a written receipt if they do not offer you one.

This receipt must be given to you by the policeman taking the property.

Condense

Picture: Officer entering apartment, accompanied by landlady with passkey

If the policeman has a warrant for your home, the landlady must let him in.

Into one PAGE

Picture: Variation of one before
(perhpas officer inside with landlady)

But without a warrant, your landlady has no right to say it is okay to search your home without your permission.

Picture: Citizen at police station

If you don't already know, ask the policeman who arrested you what the charge is.

Other policemen may ask you more questions. All you need to tell them is your name and your address. You may say: "I want to call a lawyer."

DO NOT answer QUESTIONS UNTIL The LAWYER IS present

Picture: Citizen using phone book.

You ~~have the right to~~ may be permitted only one completed telephone call. If you do not have the right change, or you do not know his number, ask the police to make change for you and to give you a telephone book.

If they do not want to, ask and keep asking until they do.

Picture: Citizen using pay phone

If you do not know the number of a lawyer, or are afraid you won't find him in, it might be better to call a friend or a member of your family, who could then telephone a lawyer for you.

YOU DO NOT NEED TO ANSWER QUESTIONS OR SIGN ANYTHING UNTIL YOU TALK TO A LAWYER.

Picture: Citizen at hospital

If you are arrested for drunk driving, you may ask for a blood test.

If you have not been drinking, it will be evidence in your favor. But if you have, it can be used against you.

You may ask for this test or you may refuse it. It cannot be given without your permission.

Picture: Denoting passage of time

GEORGIA LAW SAYS:

If you are arrested with no warrant, you may be held for two days (48 hours)

With a warrant, you may be held for three days (72 hours).

After that, you must be taken before a judge for a commitment hearing.

Picture: Citizen in court

At the commitment hearing, you will find out what the charges are, what the evidence is, and who are the witnesses against you. ~~DO NOT GIVE UP YOUR RIGHT to be there.~~ Ask to have a lawyer for this hearing.

Picture: Suspect being given paper to sign.

JUST AS IMPORTANT AS NOT SAYING ANYTHING IS YOUR RIGHT NOT

~~You do not have~~ to sign any statement. If you do not understand legal talk, you may not know what you are signing.

You may say that you will not sign anything until you talk with your lawyer.

Picture: Lawyer meeting with client

You have a right to meet privately with your lawyer. What you tell him is just between you and him. It cannot be used against you.

So remember, whatever you want to tell - tell your lawyer and no one else.

Picture:

Lawyer, suspect and police.

You also have a right to have your lawyer with you during questioning.

Picture: Lawyer representing you in court.

Your lawyer is like a doctor or a dentist. You don't take out your own appendix or fix your own teeth.

Don't try to be your own lawyer, either.

Picture: Lawyer appointed to represent you.

If you can afford it, it is best to have your own lawyer.

But, if you don't have the money, you have the right to a free lawyer when you are charged with a crime that might send you to jail.

Even though this free lawyer may not see you until just before court, this is better than being your own lawyer.

Picture: Don't know what to suggest, but you are going to have to keep it small.

If you are not treated right by a policeman -- if he calls you "nigger" or "nigger-lover" or "boy", or calls you by your first name instead of Mr. or Mrs., or curses you or abuses you, you should complain about him.

In Atlanta, there is a Police Committee meeting every Monday night, and you can take your complaint there.

In other cities, you may complain to the Mayor, or the City Council and to the Police Chief.

Your complaint will not help or hurt your own case. But maybe it will help the Police Department find out about those few policemen who cannot learn to be fair and polite.

If you have a real complaint, it is being a good citizen to let the right people know about it.

Picture: Grayed-Out Bill of Rights in background. Don't bother with this. I'll work out with printer.

What you have just read, may sound like a lot of rules to remember.

But the important things can be said over again in three sentences:

- o You have the right not to answer questions if you are arrested.
- o You have the right not to sign anything.
- o You have the right to get a lawyer.

These rights, and others, belong to every American. They come to us from the United States Constitution.

They apply to everyone, regardless of race, color, religion or age.

This booklet is prepared jointly by:

The American Civil Liberties Union of Georgia

The Georgia Council on Human Relations

Lawyers Committee:

Michael DeVito
Steven Hester
Richard Hubert
Warren Fortson
Glenn Zell

Artist: Marge Manderson

Quantity Prices Upon Request

Georgia Council on Human Relations
American Civil Liberties Union of
Georgia

52 Fairlie Street, N. W.
Atlanta, Georgia 30303

send

ADDRESS HIM as Dear Reg

Send to: Ralph McGill, Celestine Sibley, Reg Murphy, Gene Patterson, Jack Nelson at the Constitution, 10 Forsyth Street

15¢ WRAPS

and

Walter Rugaber, Jack Spalding, Fred Powledge, Pat Watters at the ~~Constitution,~~ JOURNAL same address.

Mrs. G. Ray Mitchell 10¢
3986 Club Dr. N.E.

10¢ Ted Fisher — 1 ea at home

15¢ Mail Carney to Ed Lodd

1.50 / 1.70 / 1.80 / 2.05 / 2.35

Mailed
5/10/63

Georgia Chapter Steering Committee - ACLU

Dean B. R. Brazeal

Mr. Leslie W. Dunbar

Mr. Ted V. Fisher

Mrs. Donald R. Green

Prof. C. Eric Lincoln

Mrs. Neil Moran

Mr. Morgan C. Stanford

~~Mr. Morris N. H. Collins~~

Mr. Harry Elson

Mrs. Miriam Glustrom

Mr. Jesse Hill
Miss Virginia R. Harbin

Mr. Maurice Maloof

Rev. John B. Morris

Mrs. Frances Pauley

Mrs. Eleanor Richardson

Mrs. Florence Robin

SEV LOWN BOND

GEORGIA CHAPTER STEERING COMMITTEE - ACLU

Mr. Morris W. H. Collins, Jr.

Mr. Harry Ellson

Mrs. Miriam Gustrom

Mr. Abe Goldstein

Mrs. Virginia R. Harbin

Mr. Jesse Hill

Mr. Maurice Maloof

Rev. John Morris

Mrs. Frances Pauley

Mrs. Eleanor Richardson

Mrs. Florence Robin

~~Dr. Robert E. Will~~

DRAFT

CONSTITUTION OF THE AMERICAN CIVIL LIBERTIES UNION OF GEORGIA

Section I - Name

The name of this association shall be the American Civil Liberties Union of Georgia. It shall be a non-profit association.

Section II - Purpose

The purpose of the association shall be to further the objectives of the national American Civil Liberties Union and to advance the cause of civil liberties in the United States and State of Georgia with particular emphasis on the rights of free speech, free press, free assemblage, freedom of religion, due process of law, equal protection of the law, and to take all legitimate action in the furtherance and defense of such purposes. These objectives shall be sought without political partisanship.

Section III - Headquarters

The association's headquarters shall be located at such place in the State of Georgia as shall be determined by its Board of Directors from time to time.

Section IV - Membership

The membership of the association shall consist of all members of the national American Civil Liberties Union (American Civil Liberties Union, Inc.) residing within the State of Georgia. Each member shall have one vote.

Section V - Meetings

The annual membership meeting shall be held during April of each year or such other time and in such place as shall be determined by the Board of Directors. Two weeks notice of the meeting shall be given to the members.

Other meetings of the membership may be called at the discretion of the Board of Directors.

Section VI - Officers

The officers of the association shall consist of a President, first and second Vice Presidents, Secretary, Corresponding Secretary and Treasurer. Each shall exercise duties relevant to his office as shall be prescribed by the Board of Directors and shall serve until his successor is elected.

The officers of the association, along with the other members of the Board of Directors shall be elected at the first general meeting and the annual meeting thereafter.

The Board of Directors shall fill any office which becomes vacant from among its own members.

Section VII - Board of Directors

The direction and administration of the organization shall be under the control of a Board of Directors consisting of not fewer than 10 nor more than 20 members of this association.

The Board of Directors shall meet as the occasion requires, but not less than three times each year; additional meetings may be called by the President. The President shall call a meeting within a reasonable period upon the written request of any three members of the Board of Directors or any twenty members of the association. 50% of the members of the Board of Directors shall constitute a quorum. Unless otherwise required by this constitution an Act, Decision, or Resolution of the Board of Directors shall be considered to be adopted when it has been approved by a majority of the Directors present at a duly called meeting at which a quorum is present or by a majority of the Directors as presented in writing.

Members of the Board of Directors shall receive adequate advance notice of each meeting. Members of the Board of Directors who fail to attend three consecutive meetings without advance explanation to the Secretary may be dropped from membership on the Board of Directors by a majority vote of the Board of Directors.

A vacancy on the Board of Directors shall be filled by the remaining members of the Board until the succeeding annual election of Board members when such vacancy shall be filled for the unexpired term by the membership.

The annual election to fill vacancies in the Board of Directors shall be held at the annual meeting of the membership in the manner set forth in the next succeeding Section. One-third of the Directors so elected shall serve for a period of one year, one-third shall serve for a period of two years and one-third shall serve for a period of three years. A "year" for this purpose is the period between the annual meetings of the membership, thus the first year shall be considered to have terminated at the first annual meeting of the membership to be held in April, 1964, and the second year will begin at that time.

Section VIII - Nominations and Election of Members to the Board of Directors

The Board of Directors, by majority action, shall appoint a nominating committee at least three months before the annual meeting of the membership. The nominating committee shall consist of five members of whom not more than two shall be from the Board of Directors. At least two months before the annual meeting the membership shall be notified by mail of the nominees proposed by the nominating committee. Additional nominations may be made by petition of any two members provided there is attached to such petition a signed statement expressing the nominee's willingness to serve if elected; any such petition to be filed with the Secretary not later than one month before the annual meeting.

At least two weeks before the annual meeting a ballot showing and distinguishing the candidates nominated by the nominating committee and those nominated by petition shall be mailed to every member.

Members may vote in person at the annual meeting or by mailing their ballots to the address designated thereon. No mailed ballot shall be counted unless received at such place at least one day before the date of the annual meeting. Ballots need not be signed but the signature and address of each member voting must be placed on the envelope containing the ballot. Such ballots shall be opened in such a way as to preserve the secrecy of the ballot.

The count of mail ballots in the annual election to fill vacancies on the Board of Directors shall take place the day before the date of the annual meeting.

Section IX - Committees

The Board of Directors shall establish such committees and delegate to them such powers and duties as in its judgment will best aid and promote the work of this association and its cooperation with the National American Civil Liberties Union.

Section X - Adoption of Constitution

This constitution shall be considered to have been adopted if it is approved by a majority of those members who vote thereon at a general membership meeting.

Section XI - Amendment of the Constitution

The constitution may be amended as follows: Any proposed amendment shall be submitted by the Board of Directors to the entire membership of this association at least thirty days before it is to be voted upon. The vote may be by mail ballot to all members or by vote at the annual membership meeting. All amendments must be approved by two-thirds of the votes cast.

PROPOSED SLATE OF OFFICERS

President: Dr. Edward Ladd

Graduate of Choate Preparatory School and Harvard University. Received doctorate from Yale University. Director of the Division of Teachers Education, Emory University. Phi Beta Kappa. Member of Harvard Club of Atlanta, Yale Club of Georgia, National Association for Social Studies, Association for Supervision and Curricular Division. Attends Holy Trinity Church.

First Vice President: Donald Hollowell

Native of Kansas. Honor graduate of Lane College, Jackson, Tenn. Law degree from Loyola University, Chicago. Practicing attorney in Atlanta since 1952. Chairman of Legal Redress Committee, State Conference of Branches, NAACP. Sunday School Superintendent, Butler Street Christian Methodist Episcopal Church.

Second Vice President: Sylvan Meyer

Editor of the Gainesville, Georgia Daily Times. He was a Nieman Fellow in 1950-1951, and won the Sigma Delta Chi Distinguished Service Award for Editorial Writing in 1957 and the Sidney Hillman Prize Award for Editorial Writing in 1961. Chairman of the Georgia Advisory Committee to the United States Commission on Civil Rights.

Secretary: Mrs. M. E. Richardson (Evelyn)

Native of New England. Private Secretary. President of the Wilmington, Delaware and Dekalb County League of Women Voters. Member of the Georgia Council on Human Relations. Active in Glen Memorial Methodist Church.

Corresponding Secretary: Mrs. John Morris (Patricia)

Native of New York. Graduate of Milton Academy in Boston and Vassar College. Long time member of Civil Liberties Union. Member of the Atlanta League of Women Voters. Working with her husband who is Executive Director of the Episcopal Society for Cultural and Racial Unity.

Treasurer: Robert Cohn

Practicing attorney in Atlanta. Graduate of North Carolina University and Yale University School of Law. Served in Air Force. Was member of the National Labor Relations Board. Member of the Georgia Bar Association.

The following are my suggestions for members of the Board of Directors:

_____

_____

_____

_____

_____

Please detach and mail by November 15, 1963, to:

Mr. Leslie Dunbar
1529 Berkely Lane, N.E.
Atlanta, Georgia 30329

File

AMERICAN CIVIL LIBERTIES UNION of GEORGIA

Officers and Board of Directors - April 1964 - April 1965

Officers: Term expires, April 1965

President:	Edward T. Ladd 1236 Springdale Road, N.E., Atlanta, 30306
1st Vice-President:	Donald L. Hollowell 2840 Dale Creek Drive, N.W., Atlanta, 30318
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RESPONSIBILITY OF THE LEGAL PROFESSION

by Erwin N. Griswold

Dean Griswold (left) with Chancellor Harold MacMillan of Oxford University, where Mr. Griswold in October received the honorary Doctor of Civil Laws degree. Dean Griswold also lectured at Gray's Inn.

FOR A GOOD MANY YEARS, the lawyers and the news media have been battling each other with great vehemence and vigor. The news media champion "The Public's Right to Know." This presented problems enough when only the press was involved. It became far more difficult with the advent of radio, as those who lived through the Hall-Mills and the Hauptmann cases in the 1920's and the 1930's will recall. The excesses experienced there were, indeed, the specific background for Canon 35 of the Canons of Judicial Ethics of the American Bar Association. Finally, with the advent of television, the problem has become even more intense.

On the other hand, the lawyers are concerned with the right to a fair trial, of which they are inevitably the guardians in a society such as ours. And the judges are sworn to uphold the Constitution, and have the solemn obligation to see that no one is deprived of his life or liberty without due process of law. It takes little experience in the modern world to see that pre-trial publicity and many sorts of publicity during a trial are wholly inconsistent with the basic objective of a trial—which is not to entertain the public, not even to let the public know what is going on, but is the meticulous and dispassionate ascertainment of the truth.

We have here a situation which has recently been described by William M. Kunstler as one where "news media . . . hide behind one constitutional guarantee while destroying another." As the Toledo Blade has said: "a fair trial, involving the age-old struggle of the individual against all-powerful government, is the most basic, the most essential of human rights."

At various times in the past, I have taken part in this battle. I have participated in the fight to preserve

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This article was presented originally by Dean Erwin N. Griswold of the Harvard Law School in August at the Law-Layman Program of the Section of Judicial Administration of the American Bar Association.

Canon 35, and felt great satisfaction and relief when . . . this was recently sustained, almost unanimously, by the House of Delegates of the American Bar Association.

More recently, I spoke on a Bar-Press Program in Boston last May. In those remarks, I stated that it was my best judgment that by November 24 Lee Harvey Oswald could not have obtained a fair trial any place in the United States, and that the Supreme Court would have so held. This was because of the nature of the television coverage in Dallas in the two days following the death of President Kennedy. In my remarks, though, I tried to be fair, and I directed my observations not only at the radio and television networks, but also at the lawyers and at the sheriffs and police officers involved who participated in and facilitated the radio and television coverage.

As a result, I was criticized on all sides. The District Attorney advises me that he did not outline his evidence against Oswald until after Oswald's death — which seems to me to be bad enough. I have tried to obtain information as to just what did appear on television between November 22 and November 24. But this is a complicated problem, and it has not been possible to work it out.

One columnist, who is widely syndicated, criticized me rather sharply for undertaking to hold "any medium of communications responsible for the district attorney's statements about the Oswald case. The actions of any public official are his own responsibility; the communications media are there only to observe and record."

I think there is much to be said for this point of view, and that the basic problem will be greatly simplified if the legal profession, both individually, through the organized bar, and through the courts, more fully recognizes its basic responsibility in this area, and takes firm and clear steps to meet this responsibility. Accordingly, I am here going to try to analyze the underlying problem, focus on the responsibility of the legal profession with respect to that problem, and make recommendations designed to help the legal profession, in all its branches, to meet that responsibility.

If the legal profession does recognize and accept this responsibility, then the problem of the news media will be greatly simplified. As the columnist said, they "are there only to observe and record." If there is nothing available for them to observe and record, they will not be presented with problems of interfering with a fair trial. It is as simple as that. If the lawyers will simply put their own house in order, much of the problem can be eliminated.

In considering the problem of pre-trial and during trial publicity, there are two groups of persons who may be involved. One of these groups consists of the lawyers, including the District Attorney and his assistants, and members of his staff for whom he is responsible. The other group is made up of the sheriffs, constables, police chiefs, and police officers, who, presumably, are not lawyers, though they are public officials. Let us take these two groups up in the order indicated.

Lawyers, D.A.'s and Their Assistants

The lawyers are officers of the court, and members of a profession. They are subject to discipline by the court, and to the appropriate rules of the profession. In England, from which our legal system and our legal profession sprang, the control of the court and the discipline of the legal profession are very strong. As a consequence, actions by lawyers such as those we have witnessed here many times in recent years would be unthinkable in England. If they did appear, they would be promptly dealt with, both as contempt of court and through the disciplinary actions of the two branches of the legal profession there.

In this country, we have relaxed our professional standards far too much. District Attorneys are generally elected, and defense attorneys are likely to have political ambitions. In most states, judges are elected, and find it difficult to enforce high standards of professional conduct on the lawyers who appear before them. We have no centralized control of the bar, such as exists in England through the Inns of Court for the barristers, and the Law Society for the solicitors — bodies which would not tolerate for a moment conduct by lawyers which has become, alas, commonplace in many parts of the United States.

Our lawyers are not only members of the bar in their separate states, but discipline is often enforced through local Grievance Committees, which have their hands full in handling embezzlement and other cases of gross professional misconduct. Because of this diverse and loose control, standards have generally fallen far too low with respect to the conduct of lawyers in making public statements about pending cases and in releasing information to the press.

One of the difficulties arises from the fact that our formal Canons of Professional Ethics are wholly inadequate to deal with the current situation. They were formulated at a time when it was taken for granted that a lawyer would not participate in public programs dealing with a pending case. As a result, Canon 20 reads in rather lukewarm language. Here are its terms:

> "20. *Newspaper Discussion of Pending Litigation.*
>
> "Newspaper publications by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the Courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make it anonymously. An *ex parte* reference to the facts should not go beyond quotation from the records and papers on file in the court; but even in extreme cases it is better to avoid any *ex parte* statement."

Obviously, this is not clear enough, and it does not go far enough. This was pointed out by Judges Phillips and McCoy nearly twelve years ago, at pages 159–187 of their thoughtful and thorough book on *Conduct of Judges and Lawyers*. It is time now that we acted on this matter. The Canons should be amended to include an absolute prohibition on the release by any lawyer, either for the prosecution or for the defense, of any material relating to the trial, either before the trial, or while the trial is going on. This should specifically preclude appearances of any sort on radio or television relating in any way to the forthcoming or pending trial. It should also specifically forbid the release of any statements to the effect that the defendant has or has not confessed, or that he has or does not have an alibi, or otherwise. It should also specifically preclude the release of evidence which would be inadmissible in court, or the release of evidence which has been offered in court and excluded by the trial judge.

I earnestly urge on the Standing Committee on Professional Ethics the formulation of such a Canon going much farther than the present Canon 20, and dealing specifically with the things which no lawyer should do in connection with any pending criminal case. If such a Canon were formulated and adopted, then District Attorneys and defense counsel would know clearly what they should not do, and courts and disciplinary bodies generally would have clear cases to deal with in the event of violations. If there had been such a new and specific Canon, many of the events which happened in November, 1963 would not have occurred; and if they had occurred, they could be forthrightly dealt with.

The Standing Committee on Professional Ethics has recommended an amendment to Canon 5 of the Canons of Professional Ethics, which would amend this Canon by adding the following new paragraph:

> "It is the duty of a lawyer engaged either in the prosecution or the defense of a person accused of a crime to refrain from any action which might interfere with the right of either the accused or the prosecuting governmental entity to a fair trial. To that end it is improper and professionally reprehensible for a lawyer so engaged to express to the public or in any manner extrajudicially any opinion or prediction as to the guilt or innocence of the accused, the weight of the evidence against him or the likelihood that he will be either convicted or acquitted."

As far as this goes, it is laudable. However, it seems to me that it does not go nearly far enough. The basic objection is not the expressing of opinions about the innocence or guilt of the accused, but is the making of any sort of statement whatever about any pending criminal case. I am glad to have this amendment to Canon 5; but, in my view, the American Bar Association should go much farther in clarifying the Canons. As I have indicated, it should make it wholly clear that lawyers, both for the prosecution and the defense, must completely refrain from any sort of appearance or statement with respect to pending criminal cases from the moment of the arrest until the ultimate completion of the trial. When the Canons have been adequately amended, lawyers will know clearly what they should not do.

Sheriffs, Constables, Policemen

Then the American Bar Association, and the state bar associations, and the local bar associations, and their Grievance Committees, and the courts, should enforce this requirement without fear or favor. If this is done, we will have taken a great step towards providing the atmosphere for a fair trial in the United States. Until we do take this step, we cannot really criticize the news media very severely if they publish the information which lawyers give them, or if they put on radio or television programs in which lawyers participate.

We come next to the part of the problem which

relates to sheriffs, constables, police chiefs, police officers, and other employees and subordinates of law enforcement and police departments. Generally speaking, these persons are not members of the bar. Thus, they are not directly amenable to the Canons of Professional Ethics. In some cases, these persons may be subordinates of the District Attorney, and he may be responsible for their actions. However, disciplining the District Attorney in such cases may not be either very feasible or very fair.

We should work out a more direct control over these law enforcement officers, and subject them to the same requirements which I have suggested above should be made applicable to lawyers, both for the prosecution and for the defense.

The way to deal with this problem, I suggest, is through the rule-making and the contempt powers of the courts. The contempt power has rather fallen into disuse in recent years, because of the extreme views taken by the Supreme Court of the United States on the subject of free speech and free press. What I am saying now, however, has no relation to the activities of the press. I am not advocating use of the contempt power again the press. I am talking about the responsibility of police and other law enforcement officers to the courts.

Absolutely No Publicity

It should be made plain to them, and to all concerned, that police and other law enforcement officers act improperly if they release any sort of information about a person charged with crime, other than his identity, and the nature of the charge. They should not release any evidence, or make any statements about the evidence. Specifically, they should not release any information that the defendant has confessed, or that he has not confessed. They should not release any information to the effect that he has been charged with, or convicted of, any other crimes in the past. They should not characterize the defendant as "a notorious hoodlum," or anything else.

It should be made plain to them that they are officers of the law, and that it is their sworn and bounden duty to protect the defendant against outside pressures as well as to hold him in custody. It may be their duty to confine him; but they should clearly understand that that duty carries with it the responsibility to see that he is not forced to make statements to anyone, that he is not subjected to interviews which he does not wish to participate in, and that he need not have his picture taken if he does not want that done.

What we need in these areas is to have the ground rules clearly stated, and then systematically enforced. One way to attack the problem is through the rule-making powers of the courts. I suggest that the Section of Judicial Administration should set up a carefully chosen, high level committee for the purpose of formulating such rules, and recommending them to the courts throughout the country which have rule-making powers.

For example, it would be a great step forward if the Supreme Court of the United States would formulate and adopt such rules with respect to releases by lawyers and law enforcement officers in connection with persons charged with federal offenses. Such rules would be clearly authorized as a part of the Supreme Court's "supervisory power to formulate and apply proper standards for enforcement of the criminal law in the federal courts" (*Marshall v. United States*, 360 U.S. 310, 313 (1959)), or, as the Court has put it in another case under its "supervisory powers over federal law enforcement agencies." *Rea v. United States*, 350 U.S. 214, 217 (1956).

Similar rules should be adopted in the state courts. If the Section of Judicial Administration were to formulate such rules, there should be no serious difficulty in getting the courts to adopt them. If such rules were adopted, then police officers and others involved would have clear instructions about their duties. These are conscientious people, and they will comply with their duties, if those duties are clearly spelled out.

If, in some states, it should be felt that the courts do not have adequate rule-making power, then the substance of the rules I am suggesting should be put into statutory form, and enacted by the legislatures. Bar associations and the Uniform Law Commissioners should give consideration to this problem.

It may be thought, at first flush, that an absolute prohibition against any and all publicity in these matters goes too far. That would be a matter for such a committee to consider. But I suggest that an absolute prohibition, without exception, is called for and is desirable. It is the practice in England, where it works well, and is not questioned. It would be easy to administer. If exceptional circumstances are introduced, or if the word "generally" is used, there will

always be wrangling about specific situations. Finally, I would recall to your attention that we are talking only about criminal cases. I suggest that there is no reason why counsel on either side, or law enforcement officers, should be making *any* sort of public statements about pending criminal cases from the moment of arrest until the completion of the trial.

With respect to rules in this area, we have a fine example in the so-called "Judges' Rules" in England. These rules, which have been long in force, were revised only last February. They prescribe in considerable detail the conditions under which the police may interrogate a person suspected or accused of crime. Among other things, they provide that

> As soon as a police officer has evidence which would afford reasonable grounds for suspecting a person has committed an offence he shall caution that person or cause him to be cautioned before putting to him any questions, or further questions, relating to that offence.
>
> The caution should be in the following terms: 'You are not obliged to say anything unless you wish to do so but what you say may be put into writing and put in evidence.'

This is an example which might well be adopted in this country. If it were adopted, then the police would know where they stand. They would have clear instructions, and could go about their duties in an effective way.

The Judges' Rules in England say nothing about public statements made by the police or by lawyers, because such statements would be unthinkable there. If we were to adopt the Judges' Rules in the United States, however, it would be well to include explicit provisions with respect to the release of information and the making of public statements by law enforcement officers and by lawyers, in connection with persons accused of crime.

Violations Punishable as Contempt

If such rules were made, then violations of the rules could be enforced as contempt of court. In the recent past, courts have been slow to use their contempt power because of the relation to freedom of speech and of the press. But the cases involving this question have mostly concerned publications in the press. What I am talking about has nothing to do with freedom of the press. It relates to the making of statements by public law enforcement officers, and by lawyers who are officers of the court, both of which groups have clear fiduciary duties to the courts and to the administration of justice.

In this connection, we may recall one of the great cases of an earlier day, *United States v. Shipp*, 203 U.S. 563 (1906), 214 U.S. 386 (1909), 215 U.S. 580 (1909). This case involved a state sheriff and some of his deputies, who held a prisoner under a sentence of a state court. An appeal was taken to the Supreme Court of the United States from the state decision. The execution of the sentence on the prisoner was stayed by order of the Supreme Court. The sheriff was notified of this stay, and wide publicity was given to it in the local newspapers. That evening, the prisoner was taken from the jail and lynched. There was evidence that the sheriff, and some of his deputies, made no particular effort to prevent this from happening, and indeed may have facilitated it. They were held to be in contempt of the Supreme Court, and were sentenced for that offense.

Let us, then, formulate the ground rules for lawyers and for law enforcement officers. Let us make it plain, both by appropriate amendments to the Canons of Ethics, and by rule of court—or by statute, where that is necessary—that public statements, and public appearances, and release of evidence, with respect to a pending criminal case, both before trial and during trial, are inappropriate. Having made this clear to lawyers and law enforcement officers, let us then enforce these requirements through disciplinary action and by the contempt powers of the courts. If the lawyers and courts will thus put their house in order, there will be far less basis for complaint about the news media.

If there is nothing to "observe or record" as far as lawyers and law enforcement officers are concerned, then the news media will know where they stand, and they can go about their highly important business without infringing on the "most basic" right to a fair trial. Of course, if the news media should obtain information by stealing it, or by bribing court officers to provide it, that would be another matter, and clearly subject to the contempt power. However, if we lawyers will clarify the ground rules, with respect to actions of lawyers and law enforcement officers, and will clearly publish these rules, as rules of court, or otherwise, most of the problems in the relations between the bar and the press would disappear—which is as it should be. And we would be well on the way to seeing that persons accused of crime in this country will assuredly have a fair trial.

Article from the February, 1965 Newsletter of the American Civil Liberties Union of Georgia.

Threatening Events in the Legislature

Overlooked by the press and public as they concentrate on other more dramatic happenings at the State Capitol was the passage by the Georgia House of Representatives of one of the so-called "Freedom Amendments" now working their way through state legislatures over the country. If it should be passed by the Senate, Georgia would be added to the growing list of states (approximately 20) petitioning Congress for an amendment to the U.S. Constitution which would in effect withdraw federal protection from a specific area of political life.

One of three amendments proposed several years ago by the legislative conference of the Council of State Governments, this particular resolution has been given impetus by state reaction to the recent apporti onment rulings of the Supreme Court. In their dissatisfaction over the one man-one vote decisions, the state legislatures are resorting to proposals which could establish a series of dangerous precedents by suggesting that jurisdiction over apportionment cases be taken from Federal Courts. Obviously a next step could be to remove Federal jurisdiction from other areas whenever there might be disagreements with decisions on, for example, civil rights or church-state relations. Such a sequence could logically lead to the piecemeal destruction of our traditionally independent judiciary and of the equal protection guarantees of our Consitution.

Not only would this proposed amendment overturn the principles of the Fourteenth Amendment - it would, along with a somewhat similar resolution just passed by the House and Senate, permit the states carte blanche in determining the base of representation in their legislative bodies. This could lead to various forms of discrimination in establishing apportionment and could also actually weaken the Constitutional guarantees of a republican form of government. It is indeed disturbing that in their frustration over the ruling concerning their own reapportionment, Georgia's legislators have chosen to support proposals which could only undermine those processes which are so basic to our Constitutional system.

AMERICAN CIVIL LIBERTIES UNION of GEORGIA

Dr. Edward T. Ladd, President
1236 Springdale Road, N.E.
Atlanta, Georgia 30306

The Honorable Lyndon B. Johnson
The White House
Washington, D.C.

Dear President Johnson,

The events, as we understand them, taking place in Selma, and elsewhere in Alabama, have shown the use of flagrant police state methods to brutalize large groups of Negro citizens, and deprive them of their constitutional rights as Americans.

We deplore, and are ashamed, by these tactics, and beg you to use your high office in every possible legal manner to end the injustices which lie at the root of these problems.

As an immediate step we urge speedy legislation ending the infringement of the right to vote, as is practiced in many localities, including some in our own state of Georgia.

We urge you to vigorously seek out, and fully prosecute, any law officers, or office holders, guilty of brutality and other rights violations.

American Civil Liberties Union of Georgia

AMERICAN CIVIL LIBERTIES UNION OF GEORGIA

Dr. Edward T. Ladd, President
1236 Springdale Road, N.E.
Atlanta, Georgia 30306

The Honorable Birch Bayh, Chairman
Senate Judiciary Subcommittee on Constitutional Amendments
Senate Office Building
Washington, D.C.

Dear Senator Bayh,

As an organization whose members' voices in their government have for years been distorted by the malapportionment of both of their state legislative houses, as well as of their U. S. Congressional Districts, besides being subjected to the discrimination of the "County Unit" system, the American Civil Liberties Union of Georgia is deeply concerned over recent proposals which would nullify the safeguards of fair representation.

During its recent 1965 session, the Georgia Legislature passed resolutions petitioning Congress for an amendment to the U.S. Constitution to establish the principle that one house of a state legislature may be based on "factors other than population". The Georgia House, at the time under a court order to reapportion itself, also proposed the extreme measure of withdrawing altogether the Federal Court jurisdiction over cases involving representation in state legislatures.

We believe it is imperative to point out that passage of these resolutions was carried out by a state House of Representatives so malapportioned as to be a classic example, one which in no way fairly represents the opinions of Georgia's urban residents, whose voices have so long been stifled.

The Georgia Senate, reapportioned two years ago, limited itself to passage of the first proposal, but only after amending it to modify the vague phrase "factors other than population", so as to rule out any possibility that race, creed or national origin be considered in determining the base of representation in a state legislature. We mention this Senate action because it points directly to the most alarming feature of Senator Dirksen's proposed constitutional amendment and similar resolutions. In their dissatisfaction over recent Federal Court rulings intended to protect the equality of citizens' votes, proponents of these measures seem to be willing to give the states carte blanche in their establishment of the representative base for one legislative chamber.

The A. C. L. U. of Georgia believes that the practical effect of such action might well be not only the introduction of various forms of discrimination in establishing apportionment, racial and economic as well as geographic, but also an ultimate weakening of Constitutional guarantees of a republican form of government within the states, as well as of the "equal protection" clause. The "one-man, one-vote" ruling had given many of Georgia's citizens new hope that their votes would at last have their fair value. Its reversal would at the very least permit the perpetuation of a system in which a legislative chamber based on some"factor other than population" could always stalemate or nullify the actions of a population-based Senate. In such manner can the individual citizen's share in government be destroyed.

For these reasons our organization wishes to go on record as being in strong opposition to the constitutional amendments proposed by Senators Dirksen, Church, and Javits.

Yours respectfully,

American Civil Liberties Union of Georgia

Attached you will find a statement on this subject taken from the February, 1965 Newsletter of the American Civil Liberties Union of Georgia.

file - Ga: ACLU

AMERICAN CIVIL LIBERTIES UNION OF GEORGIA

Application for a Grant from
The National Development Council

In support of our request for financial aid from the National Development Council, we are setting forth an assessment of Georgia ACLU programs for the past four months, projected activities for the coming year, an analysis of membership and fund-raising possibilities in the State, and a suggested budget.

We have tried neither to inflate the possibilities nor to minimize the pitfalls of building a vigorous, effective affiliate in Georgia.

PROGRAM

Capital Punishment: Summer hearings of the Special Senate Committee on Capital Punishment provided an excellent program activity. Dr. David Broiles, chairman of the Capital Punishment Committee, recruited ten faculty members from the University of Georgia to produce a 47-page study, The Death Penalty in Georgia. We have distributed it to all the news media and circularized our own membership, asking them to appear at the four hearings still to come in September. We have also circularized the 1,600 members of the Georgia Council on Human Relations asking for witnesses. Through this, and by writing letters to everyone who might be remotely interested in abolishing the death penalty, we have lined up a good group of witnesses for the September hearings. We should attract wide notice.

The publicity for the two summer hearings in Rome and Athens, particularly the latter, was fine. We got Dr. Broiles on television to explain the study. We challenged Georgia's Attorney General to debate the subject. We issued a two-page summary of the study which was used in every good-sized city in the State except Atlanta. (The Atlanta papers assigned reporters to make their own summary and gave the study good space and two strong editorials.) We also made some radio tapes used by local stations.

After the September hearings are over, we will have enough copies of the study left to send one to every member of the General Assembly when it meets in January. At that time we can start a new campaign since death penalty legislation will be considered during the session.

We also sent a fund-raising letter to our membership asking for contributions to defray the cost of reproducing and distributing the study. It cost $157 to mimeograph 500 copies and 22¢ every time we mail one. As of this date, we have received $303 in contributions. So we will break even, more or less. It is gratifying that almost 25% of the members responded, but frustrating that most of the contributions were for less than $5.

In addition to legislative action, the Lawyers' Committee is also considering bringing a suit to end the death penalty. This is still in the formative stage of deciding what grounds would be most appropriate.

Loyalty Oath Suit: The Georgia ACLU filed suit in behalf of the Georgia AAUP against the Board of Regents on August 10th. The suit called for abolition of the 1935 oath, the 1949 oath and the 1953 Security Questionnaire. Since then, the story has been in the headlines almost daily, mainly because public officials, including Governor Sanders, Senator Talmadge, Chief Justice Duckworth, Lieutenant-Governor Geer, State Senator Wesberry and many others have made statements attacking the suit.

We have been given a lot of space, both in our original statement summarizing the issues and in rebutting the attacks in the press and on radio and television. Hugh Gibert made four very effective television appearances. The Atlanta papers have both given us good editorials and editorial cartoons.

Last week, both sides agreed to a modification of the most objectionable parts of the 1935 oath and the 1953 Security Questionnaire. So when the suit does come to trial, only the 1949 oath will be at issue. This weekend Mr. Gibert appeared on two television programs to explain the issues.

Prayer in the Schools: Don McEvoy of the National Conference of Christians and Jews and I have devised a questionnaire to be sent to every public school principal about religious practices in the classroom. Even in relatively sophisticated Atlanta, visiting evangelists are permitted to address school assemblies; the Gideon Society has distributed Bibles in the classroom, many teachers regularly check how many children attended church or Sunday school each week, etc.

Mr. McEvoy is getting together a well-known group of educators to distribute the questionnaire under the sponsorship of the

State Education Department. Whether this project will really get off the ground -- whether the educators will ever agree on the questions, and whether the State Education Department will sponsor the study as they have promised -- is not yet certain.

Meanwhile, we have started on our own in Atlanta. Our Church-State Committee chairman wrote to the Atlanta School Superintendent asking for a new policy to conform to the Supreme Court decision.

Failing to get a satisfactory response, he convened a meeting of representatives of the Episcopal Society for Cultural and Racial Equality, the United Presbyterian Field Service, the Anti-Defamation League, the American Jewish Committee and the National Conference of Christians and Jews. The group decided to seek the assistance of the Georgia Methodist Convention and Archbishop Hallinan of the Catholic Diocese, as well as to discover some sympathetic Baptists (an unlikely prospect). Prayer in school will be placed on the agenda of the first School Board meeting on September 15th. If the School Board does not act to end the practice -- and this is very unlikely -- the enlarged religious group plan to meet with with the Superintendent to press more strongly for a new policy. If he still does not respond favorable, the plan is to seek wider support on the parish level.

Most of the participants at this meeting felt that the Atlanta school system would respond to this pressure and stop prayer in the schools, and that smaller systems throughout the state would follow suit. My own less hopeful estimate is that they will resist as long as possible. This is a highly explosive issue in our predominantly Baptist state, and this is a local election year with school board members, aldermen and Mayors all running hard. I believe it is going to take a court suit to gain compliance. If that is the case, most of the religious participants would not go along with it, feeling that a court case would "bring to the surface and exacerbate community tensions."

So simultaneously with the above-mentioned steps, the Church State Committee chairman is trying to line up plaintiffs for a case if the pressure does not work.

It should be kept in mind that threat of a court suit by Hugh Gibert, made the DeKalb County school system -- which adjoins Atlanta and which is the second biggest in the state -- abandon religious practices in the schools.

Tenure Law: Ed Ladd is working with a group of Emory professors to draft a model tenure law. This will be a major issue this year since Negro teachers are being fired in increasing numbers on the excuse of school integration. I have talked with several of our new, reapportioned legislators and they promise support for such a law.

Klan Meeting: The Klan has again been refused permission to meet, this time in Marietta. We have again written to the mayor urging him to rescind this decision. He replied by saying permission for the Town Square had been refused solely on grounds of traffic congestion and he would offer them equally advantageous space elsewhere. This was a reversal of his original refusal which was based on the Klan being "a disruptive element in the community". The newspapers covered his change of heart based on the ACLU request.

Censorship: We have just obtained the services of an excellent volunteer as chairman of our Censorship Committee. He has enlisted a committee which will begin by making representations to the Public Library system to stop its practice of not carrying books it considers salacious.

It will meet next to hammer out a policy on private vigilante groups (of which Georgia has a super-abundance) which takes into account the right of private groups to protest, but which exposes the extent to which these private groups decide on what Georgians can see, read and hear.

This group will also consider what role it can play in a court suit just filed by Hugh Gibert in an obscenity case in Columbus, Georgia.

Counsel for the Indigent: Just announced is the appointment of a Legislative Committee to consider counsel for indigent people charged with a felony. Theoretically, all indigents charged with crimes must be represented by counsel, but this rule is frequently violated. The Committee will hear testimony on adequate payment of private counsel and on the advisability of appointing a public defender.

This Legislative Committee will hold a series of public hearings all over the state, similar to the death penalty hearings.

We have written to the Committee's chairman asking for time to testify and volunteering to supply committee members with factual material about practices in other states and an analysis of the alternatives. We have been extremely fortunate in finding an outstanding attorney to take on this task.

Newsletter: We have gotten out three issues of the Newsletter. It is sent out regularly, is neatly typed and identifiable as ACLU material. This is an improvement. But lack of time means that it is hastily assembled and neither well-planned nor complete.

What We Are Not Doing: Since professional staff operates only one day a week, several areas which ought to be major concerns of the Georgia ACLU are receiving no attention at all. For example:

The excellent material sent out by National ACLU and by other affiliates should be carefully classified so that the Georgia affiliate could serve as an information center on civil liberties matters for the press, voluntary agencies and interested individuals. Presently, all there is time for is for it to be hastily scanned and placed on top of an ever-growing pile of material.

The only committees which are functioning at all are Capital Punishment, Church-State, Lawyers Committee, and just beginning now, Censorship. We ought to have a committee functioning in each area of concern.

As far as program is concerned, here are a few random examples which have come to our attention where lack of time has prevented action:

Police practices, particularly in Georgia's southwest counties, run the gamut of illegality: illegal searches, arrests, detainments, and police brutality. We should also be pressing harder for Civilian Review Boards.

The right of peaceful assembly is violated routinely by city officials and the police, whether the group is SNCC or the Klan. The case in Marietta cited above is the only one we have responded to.

Rules for applying for public housing in Atlanta permit social workers to pry into tenants' lives. A woman whose husband was convicted of a felony was told by the Housing Authority to divorce her husband so she could get an apartment.

We should be working more closely with other voluntary agencies in the field, which would help us keep current on civil liberties matters. For example, the Vine City Project, organized by residents of Atlanta's worst slum area as a self-help program to clean up their streets, fix up a community recreation house to get the children off the streets, force landlords to make repairs and abide by City Codes, get adequate city services such as paving, water and street lighting, etc., needs volunteer legal advice to deal with city, state and federal officialdom. It is unfortunate that because of lack of closer liaison with the voluntary agencies involved, the ACLU Lawyers Committee was not involved in this advisory role from the beginning. Now that we have learned about the need, belatedly and by accident, we are certain that this will make an excellent Lawyers Committee activity.

MEMBERSHIP

When Mr. Pemberton visited Georgia this June, he arranged for the ACLU to lend the Georgia affiliated $545 to finance a membership drive. We decided, however, to wait until September before sending it out.

This week the printer will deliver a Georgia ACLU pamphlet, much of it based on the first-rate material put out by National, the rest devoted to what we are doing and hope to do in Georgia. The accompanying letter is already mimeographed and the envelopes typed.

We are using the Georgia AAUP list (800 names), the Partners for Progress list (1,000 names of people who worked for open public accommodations when the Civil Rights Law was passed), and the Georgia Council on Human Relations list (1,600 names). When duplications are weeded out, we should have about 2,500 names. We will send out the appeal the week of September 13th, when most of the academic people we are writing to will be back in town and on campus.

I feel very strongly that the potential for membership in Georgia is infinitely greater than our present numbers indicate. We should have more than 3,000 members, not less than 300. With intensive effort, we could have 1,000 members in a year. Georgia also has a higher potential than South Carolina, Alabama, Mississippi, Arkansas and Louisiana.

I base this estimate on experience with membership drives

in other voluntary organizations in Georgia such as the Georgia Council, the Active Voters League and the NAACP. Membership in these groups has greatly increased in the past few years. In the Georgia Council, where I am directly responsible for producing membership material and mailings, our membership has gone from 300 to 1,600 in four years. And it is far more difficult to recruit for an organization whose sole aim is total integration than it is for ACLU with its more diversified program. Indeed, many Georgia ACLU members consider the Georgia Council on Human Relations too controversial to join.

If we don't get these new members, it will be because we are not giving it enough time, or going about it in the wrong way--not because the potential is not there.

Georgia's greater potential over other Southern States such as South Carolina, Alabama, Mississippi, Arkansas and Louisiana is mostly a matter of simple geography. It has the urban population - not only in Atlanta, but Savannah, Macon, Augusta, Athens and Brunswick - which the others lack. Georgia should rank closely behind Virginia and Florida in membership potential.

Recruiting Negro Members: We do not have as many Negro members as we should, partly because potential Negro members are already deeply committed to organizations working solely on civil rights; partly because no special effort has been made to enlist them. Also, Negroes might be more attracted to the ACLU if some vigorous new names from Georgia could be added to the National Committee.

MEETINGS

There have been four general membership meetings since the ACLU of Georgia started three years ago. Both their quality and attendance have gone steadily downhill, and even the first one was nothing to write home about as far as attendance is concerned. The last open meeting in December, 1964 was attended by twenty-five members and was paralyzingly dull.

We badly need well-planned, well-publicized, well-attended meetings if our membership is to grow. I had originally hoped to have a big fund-raising meeting this Fall with a well-known speaker. I realize now, however, that we do not have the resources either in volunteers or money to stage such an ambitious program successfully. Also, our Board of Directors is not accustomed to thinking in these

terms. It would be more realistic therefore to plan one meeting around the showing of Point of Order, and a second perhaps around a controversial subject like prayer in schools with a panel of religious leaders and educators. Then in the Spring, if chapter growth indicates it, we could have a two-day state-wide annual meeting which would culminate in a large fund-raising dinner.

I have also asked our Membership Secretary to plan with me a series of smaller membership luncheons in people's homes, with local speakers to explain ACLU programs. We can line up local journalists, legislators and educators for this. But I haven't had time to work on it personally or to find out how well she is doing on her own.

We also need to get away from the idea that the Georgia ACLU is a local Atlanta organization. We have had inquiries from Savannah and Athens from people who would like to hold their own meetings and initiate their own programs and who need help to get started. We haven't been able to give them assistance, partly from lack of time, partly from lack of travel funds, partly because the Georgia ACLU is too strongly Atlanta-oriented.

FUND-RAISING

I am somewhat less sanguine about the prospects for large-scale fund-raising in Georgia than I am about its membership potential. Obviously, since we have not tried any fund-raising at all, we should be able greatly to improve our financial position by tapping the resources just waiting to be asked. Fund-raising will be stimulated by more active programs and by interesting, well-planned meetings, large and small. But there are certain factors which may tend to inhibit large-scale individual contributions:

1. Generally speaking, it is an accepted fact that the level of giving in Georgia (and neighboring southern states) is much lower than in comparable cities of the North and West. And this is true not only for controversial organizations, but for such accepted causes as the United Appeal and the Red Cross. To quote one professional fund-raiser: "In Atlanta, if you give $100, you're a certified big-shot; $500, and you're a full-fledged philanthropist."

This is not because the individual big giver is less affluent than his Northern counterpart. Southerners are just not used to giving large sums of money. Somehow this pattern of the past

must be broken and we are confidant this can be done. But as any Southern farmer will tell you, the field must be nourished, plowed and planted before it will yield cotton.

2. Organizations which deal at all with race relations -- Human Relations Councils, SRC, SNCC, SCLC -- have long recognized the impossibility of raising their total budgets in Southern communities largely hostile to their goals. So all of them raise money from individuals and foundations up North. As a result, those who should be big givers to liberal organizations have the comfortable feeling that if they don't give, the money will be raised somehow from Northerners. This, on top of the low level of giving to begin with, places a fearful psychological handicap on fund-raising efforts.

3. Paradoxically, while I believe that it will be easier to attract members to Georgia ACLU than to race relations organizations, it may be harder to raise large money. Those who believe in the total ACLU program tend to be middle-income people in the professions, the academic world, social workers, etc.

Large employers, the powerful Baptist leadership, and influential political leaders are slowly coming to recognize the political and economic benefits of better race relations. Some of them can be persuaded to give to non-activist race relations groups such as the Urban League. But while their racial position is being ameliorated through political and economic self-interest, their position on such things as loyalty oaths, prayer in the public schools and censorship remains unchanged.

But the above points -- speculative and based largely on intuition rather than hard facts -- are set down only to give the flavor in Georgia. They are not of immediate concern because, as noted, no fund-raising at all has been attempted.

So we must embark as soon as possible on fund-raising activities, using such tested techniques as personal calls, personal letters, fund-raising affairs such as luncheons, cocktail parties, meetings, special mail appeals, etc.

To get such a campaign off the ground, we must cultivate these attitudes among our members, and especially our Board members: (a) Fund-raising is inextricably bound up with program; just as program interest will stimulate giving, giving creates a commitment to program. (b) Increased personal giving by the leadership is important not only for the revenue itself, but for the example it sets for others. (c) Asking others for funds is neither undignified nor inappropriate.

BUDGET

In listing each budget item, we have attempted to give the reasoning which led us to come up with our suggested figure. Then, following this detailed itemization, the budget will be repeated, with only the item and the figure listed for easier reference.

Professional Staff: As noted previously, the Georgia ACLU currently employs an Executive Secretary for one day a week. If her time were, in fact, confined to one day a week, this would be sufficient only to get out the Newsletter, prepare the eight press releases sent out so far, answer the telephone and open the mail. For the affiliate to conduct an effective program, develop membership and stimulate fund-raising will take the intensive effort of a full-time professional. The Board has set the figure of $7,500 as salary.

Rent: The Georgia ACLU is presently housed with the Georgia Council on Human Relations, and pays the Council $40 per month for the space. It is a most satisfactory arrangement, since it gives us access to a typewriter, mimeograph machine, addressograph, postage meter, etc., free of charge. We can get out our material efficiently without having to rent equipment or send it out to be processed. Rent: $480.

Telephones: At present, we share the same telephone lines as the Georgia Council, paying only for long distance telephone calls. This means that Council secretaries can answer our phones and take our messages. On a full-time basis however, we would need to have our own line installed, since even on the present part-time basis, it is an unfair burden to place on the Council staff.

I am listing the basic cost of a business phone - $20 per month - plus an extra $200 per year for long distance calls. This last figure is pure speculation, since our long distance bill will depend almost entirely upon how much chapter organization we do in places like Athens, Savannah and Macon. This would bring our telephone bill to $440 per year.

Office Supplies and Postage: It is difficult to come up with a realistic figure for this category, because a great deal depends upon the rate of chapter growth. If we postulate 1,000 members by the end of the year, and thus take a median figure of 500 members to service during the year, postage for the Newsletter will run $300 for twelve issues. (I think it important initially for greater membership acceptance to send it out first class. Perhaps after six months, we can switch to bulk rate.) Postage for two possible special membership mailings would be an additional $50.

Board minutes, meeting and committee notices should be about $100. We have set membership retention at $150 and one more large-scale membership appeal this year at $600. (This will depend upon the success of the current appeal and on the lists available to us.) Press service should be $100. We should set aside an additional $500 for reprints, stationery, mimeograph paper, addressograph plates, clasp envelopes, stencils and the like. These categories total $1,800. But four months full-time operation at an accelerated pace should give us a much better idea of what this figure should be than the past four months experience of part-time minimal activity.

Travel: The amount spent on travel, like long distance telephones, depends in part upon how much emphasis will be placed on local chapter organization. It also depends upon what role the Southern Regional office will play in chapter organization. If it were possible for the Southern Regional office to add a full-time staff member who would organize local groups all over the South, this would be of tremendous assistance to affiliates like Georgia, and would of course significantly reduce travel expenses for the affiliate.

I do not know whether this is likely to come about; nor do I know how much time and personal service would be required to form a new local chapter; nor indeed how many such groups in the state it would be possible to start. Thus, hopefully invoking the doctrine of Invincible Ignorance, we will make a guess and tentatively budget travel at $1,000.

Part-Time Clerical Help: Mrs. Pauley, Director of the Georgia Council, is amenable to the idea of sharing a secretary, with each of us paying half her salary. This would free professional staff from such mechanical chores as envelope stuffing, running the addressograph machine, mailing out notices, etc., and permit time to be spent more productively on program, membership and fundraising.

Clerical help is especially important if we view the coming year as time to take a giant step forward toward the growth that will spell eventual self-support. Mrs. Pauley and I believe we could find a clerical person for something around $3,800. ACLU would therefore need $1,900 for its share.

Litigation: Will we bring a death penalty suit? How about a prayer in school case? Should the Lawyers Committee go in on the appeal of the obscenity suit mentioned above? None of

these questions has been decided yet, so a budget for litigation will have to be reviewed after the experience of the coming months.

Based on the experience of his operation -- which admittedly is not comparable -- Mr. Morgan suggests 20% of the total Georgia budget be earmarked for litigation. Mr. Gibert suggests listing a two-year figure of $5,000. Both these suggestions work out to roughly the same amount -- Litigation: $2,500.

BUDGET LISTINGS

Professional Staff Salary.....	$ 7,500
Office Rent.....	480
Telephone.....	440
Office Supplies, Postage.....	1,800
Travel.....	1,000
Part-time Clerical Help.....	1,900
Litigation.....	2,500
TOTAL.....	$ 15,620

INCOME

Membership: The majority of our present membership consists mainly of $6 and $10 contributors, with about 40 of $25 and over and a handful at $100. Their average contribution works out to $16 per member.

We have stated that concerted effort should raise our membership to 1,000 in a year. I do not know enough about extrapolation to understand whether such an expansion by itself would cause a change in the ratio of $6 and $10 memberships to larger contributors. Assuming that by itself it would not, and also assuming that we can upgrade contributions, particularly among Board members and active committee members, let us postulate an average contribution of $18 per member for 1,000 members, for a membership income of $18,000. The 40% of this made available to the Georgia affiliate

would mean a membership income of $7,200. Out of this would have to come the $545 borrowed by the affiliate from National for the current membership appeal, leaving a total of $6,655.

If we can stage a successful fund-raising dinner in Spring, plus two smaller affairs during the year, plus an on-going schedule of personal calls, I think we can raise $3,000, of which $1,200 could be made available to the affiliate. Membership income plus special gifts would total $7,855. This would leave a balance of $7,765 of the budget still to be funded.

We therefore request a grant in the amount of $7,765. We look forward to the time when the Georgia affiliate will be strong enough to be entirely self-supporting, and beyond that, to the day when we can be not a recipient, but a contributor to the birth and growth of new ACLU affiliates.

Respectfully submitted,

Florence B. Robin
Executive Secretary

September 9th, 1965

52 Fairlie Street, N. W.
Atlanta, Georgia, 30303

April 9, '34

Dear Ken,

I had heard a rumor that you were back, and in Asheville, but I hadn't been able to pick up your address, and am glad to know where you and Agnes are.

True they gave us help, and isn't it nice, at long last, to have some prospect of getting a few things done? Scheme is to put a full-time person into each of 12 states, plus a clerk in each, and the services of five associates divided out among the 12 State outfits. I get to strengthen this office hardly at all; an associate director, and somebody to go out to field offices and keep them settled. Both will probably be Negroes. We've planned it so as to put the money in the State offices, but even at that it's barely enough to get them started, and they'll have to raise money, too.

I will carry your need around with me in my travelling, and maybe I can strike a spark somewhere. Fred Mott, who is the head doctor in John L. Lewis Welfare Fund operation, is my friend from Farm Security days - maybe something there?

Do you and Agnes and the family drive down and come to see us. I think we could put you all up at our house, and would welcome the chance to hear about what you both did, and help plan for the next enterprise.

Sincerely,

GSM

RECEIVED
APR 9 1954
Southern Regional Council

193 South French Broad
Asheville, N. C.
April 8, 1954

Dear George,

We're back in the country and looking for work. Since our New York grapevine indicates that the Fund for the Republic had the good sense to make a sizable grant to the SRC, I thought I would write to see if I could perhaps fit into your operation.

Will you let me know how things look? Perhaps we should run down and have a talk - it would be nice anyway and would give us an admirable excuse for a visit to Atlanta.

Please give our best to Alice.

Yours,

Ken

Ken Douty

ILLINOIS DIVISION
AMERICAN CIVIL LIBERTIES UNION
19 SOUTH LA SALLE STREET, CHICAGO 3, ILLINOIS
ANDOVER 3-6883

JUL 20 1955

July 18, 1955

Dear George:

Josephine and I finally got together for a very useful talk. I think some of the lines are becoming clearer and I see my way a little out of the maze.

Thanks again for all your help. I'll return the file in good order.

Please give our best to Alice and thank her for me the putting up.

Yours sincerely,

Ken

Ken Douty

October 3, 1955

Mr. C. H. Parrish
926 South Sixth Street
Louisville, Kentucky

Dear C. H.:

My brother, Broadus, in New Jersey is active in the American Civil Liberties Union. Recently Carl Braden appeared before that group at Newark, New Jersey. If you could give me some condensed report on what actually happened up there, I would be grateful. I know you and I have discussed the matter before.

I don't want any great long account, but If you could write me a paragraph that reflects your appraisal of the whole matter, I would be grateful.

Sincerely,

George S. Mitchell
Executive Director

GSM/eab

Nov. 22.

Southern [redacted], Inc.
63 AUBURN [redacted] 3, GEORGIA

October 20, 1955

Mr. Ken Douty
American Civil Liberties Union
19 South LaSalle Street
Chicago 3, Illinois

OCT 26 1955

Dear Ken:

I am reminded (by our tickler) of the SRC files on the subject of the SCHW files, which I lent you a couple of months ago. Do get them back to us. 'Tis routine, but ultimately needful.

Sincerely,

George S. Mitchell
Executive Director

GSM/eab

Dear George,

I am finishing up the SCHW piece and should have the files returned at the end of the month; at any rate that's my schedule as of now. Life is just too busy. Congratulations on the new Fund for the Republic grant, I hope all this drive on them doesn't make them go too far in retreat, if at all, tho some, I expect, is bound to happen. Our best to you and Alice.

Yours,

Ken

We went out driving with Mildred yesterday, looking at foliage and deciding it couldn't compare with Atlanta's.

NATIONAL CIVIL LIBERTIES CLEARING HOUSE

Financial Record — January 1 - December 31, 1955

Receipts :

Amalgamated Clothing Workers of America - CIO	$ 200.	
American Association for the United Nations	25.	*
American Association of Group Workers	25.	*
American Association of University Professors	100.	*
American Book Publishers Council	150.	*
American Civil Liberties Union	1250.	
American Council of Learned Societies	15.	*
American Council on Human Rights	25.	*
American Ethical Union	150.	*
American Federation of Teachers, AFL	20.	*
American Friends Service Committee	200.	*
American Jewish Committee	100.	*
American Jewish Congress	50.	*
American Library Association	55.	*
American Newspaper Guild - CIO	25.	*
American Nurses Association	50.	*
American Veterans Committee	30.	
Americans for Democratic Action	50.	
Anti-Defamation League of B'nai B'rith	200.	*
Association on American Indian Affairs	25.	*
B'nai B'rith Women's Supreme Council	25.	*
Carrie Chapman Catt Memorial Fund	25.	*
Central Conference of American Rabbis	35.	*
Church of the Brethren, General Brotherhood Board	25.	*
Common Council for American Unity	20.	*
Congregational Christian Churches, Council for Social Action	15.	*
Congress of Industrial Organizations	500.	
Council of Liberal Churches	25.	*
Council for Civic Unity of San Francisco	25.	*
Evangelical & Reformed Church, Commission on Christian Social Action	25.	*
Federation of American Scientists	25.	*
Friends Committee on National Legislation	100.	
General Alliance of Unitarian Women	20.	*
Hadassah	100.	*
International Union of Electrical, Radio and Machine Workers-CIO	100.	
Japanese American Citizens League	100.	*
Jewish Community Council of Metropolitan Boston	10.	*
Jewish Community Relations Council of Philadelphia	25.	*
Jewish Labor Committee	50.	*
Jewish War Veterans of the U.S.A.	25.	*
League of Women Voters of the U.S.	50.	*
Methodist Church, Board of Missions, Women's Division	25.	*
National Association for the Advancement of Colored People	50.	*
National Community Relations Advisory Council	100.	*
National Council of Catholic Women	35.	*
National Council of Churches	25.	*
National Council of Churches, Washington Office	25.	*
National Council of Jewish Women	50.	*
National Education Association, Defense Commission	100.	*
National Farmers Union	100.	
National Lutheran Council, Public Relations Division	20.	*
National Service Board for Religious Objectors	25.	*
National Urban League	25.	*
Protestant Episcopal Church, Division of Christian Citizenship	25.	*
Robert Marshall Civil Liberties Trust	2500.	
Sons of Italy	15.	*
Textile Workers Union of America - CIO	45.	*
Union of American Hebrew Congregations, Commission on Social Action	25.	*
Unitarian Fellowship for Social Justice	15.	*
United Automobile Workers of America - CIO	1500.	
United Church Women	25.	*
United Steelworkers of America	1000.	
Women's International League for Peace and Freedom	25.	*
Young Women's Christian Association	35.	*

Personal contributions and subscriptions

Sidney Hollander	50.
Rosaline Fisher	10.
Olinda Roettger	10.
Harold P. Green	5.

Total contributions and subscriptions $ 9935.

* - Indicates payment for subscription and services.

**- The National Jewish Welfare Board contributes office space, utilities and telephone to the Clearing House.

NATIONAL CIVIL LIBERTIES CLEARING HOUSE-financial record, 1955

Receipts (cont'd.)

Total contributions & subscriptions	$ 9935.00	
Miscellaneous receipts for publications, reimbursements for postage & supplies, etc.	120.79	
Total receipts		$ 10,055.79

Expenditures

Publishing costs, mimeographing and mailing service		694.53	
Office expenses (supplies, equipment, stationery, telephone & telegraph)		471.10	
Conference deficit		346.07	
Office postage		247.33	
Employer's taxes (Social Security and D.C. Unemployment compensation)		114.30	
Transportation & messenger service		96.13	
Books and subscriptions		42.93	
Miscellaneous		56.53	
Salaries			
Mary Alice Baldinger	4500.00		
Lucia D. Lhamon	3120.00		
	7620.00		
Less: amount withheld for Social Security & income tax to be paid in 1956	313.50		
		7306.50	
Total expenditures			9,375.42

***** ***** ***** ***** *****

FINANCIAL STATUS, DECEMBER 31, 1955

Cash on hand 1/1/55	769.52			
Petty cash on hand, 1/1/55	50.00			
		819.52		
Total receipts, 1955		10,055.79		
Total funds, 1955			10,875.31	
Total expenditures			9,375.42	
BALANCE, 12/31/55				$ 1,499.89
Balance per bank statement	1,404.89			
Deposits in transit, 12/31/55	45.00			
			1,449.89	
Petty cash 12/31/55			50.00	
				$ 1,499.89
Accounts payable, 12/31/55	$ 170.96			

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1955 CONFERENCE ON CIVIL LIBERTIES

Total costs of conference		$ 1,814.82
Conference receipts	1,468.75	
Conference expenses covered by the Clearing House	346.07	
		$ 1,814.82

Minutes January 11, 1956.

NATIONAL CIVIL LIBERTIES CLEARING HOUSE

Attendance: The National Civil Liberties Clearing House held its monthly meeting on Wednesday, January 11, 1956, at 1637 Massachusetts Ave., N.W., with the following attendance: Dr. Earl F. Adams, National Council of Churches, chairman; Katherine D. Jansson, American Association for the United Nations; John J. Gunther, Americans for Democratic Action; Rosaline Fisher, League of Women Voters of D.C.; Nathaniel H. Goodrich, American Jewish Committee; Mrs. Strauss, National Council of Jewish Women; Mrs. James W. Irwin, National Board, Y.W.C.A.; Virginia Kinnaird, National Education Association, Defense Commission; Paul Sifton, United Automobile Workers Union -AFL-CIO; Herman Edelsberg, Anti-Defamation League of B'nai B'rith; Irma Piepho, National Council of Catholic Women; Philip A. Finn, Jr., National Council of Catholic Men; Olinda Roettger, Lutheran Church-Missouri Synod; Philip Schiff, National Jewish Welfare Board; Warner Davis and Richard K. Bennett, American Friends Service Committee; Edward F. Snyder, Friends Committee on National Legislation; Gladys E. Weis, National Conference of Christians and Jews; Mrs. William Wildhack, General Alliance of Unitarian Women; Mrs. Maurice A. Goldberg, B'nai B'rith Women's Supreme Council; Helen Mineta, Japanese American Citizens League; Margaret Butcher, National Council of Negro Women; Bernard Weitzer, Jewish War Veterans of the U.S.A.; Julia Thompson, American Nurses Association; Dr. C. Emanuel Carlson, Baptist Joint Committee on Public Affairs; Annalee Stewart, Women's International League for Peace and Freedom; Benjamin Margolin, American Ethical Union; Robert W. Frase, American Book Publishers Council; Eleanor M. Hadley, National Association of Social Workers; Sarah Hughes, National Farmers Union; Mary Frances Aldrich, Unitarian Fellowship for Social Justice; June Pickett, AFL-CIO Legislative Department; William Zimmerman, Jr., Association on American Indian Affairs; John W. Edelman and Charlotte Friedman, Textile Workers Union-AFL-CIO; Edward Metzler and C.L. Roy Doty, Jr., National Service Board for Religious Objectors; Sue Mills, The Fund for the Republic (observer); Mary Alice Baldinger and Lucia Lhamon, for the office.

Next Meeting : Wednesday, February 15, from 2 to 4 p.m. at 1637 Mass. Ave., N.W.

1956 Conference on Civil Liberties : The chairman reported on plans to date for the eighth annual Conference on Civil Liberties, to be sponsored by the Clearing House at the Hotel 2400 on Thursday and Friday, March 22 and 23.

Civil rights problems will be discussed at the opening session of the conference, on the afternoon of March 22. A dinner meeting that evening will take up the question of proper safeguarding of constitutional freedoms.

The morning session of Friday, March 23, will consider the free communication of ideas. After a luncheon session, the conference will study organizational programs and problems in the Clearing House fields.

Dr. Leonard Aries of the National Conference of Christians and Jews and Miss Irma Piepho of the National Council of Catholic Women are co-chairmen of the Program Committee, which includes Dr. Adams, Julia Bennett, Kenneth Birkhead, Herman Edelsberg, Irving Ferman, John Gunther, Katherine Jansson, Clarence Mitchell and Paul Sifton. The committee will welcome suggestions from any interested organization.

Annual Report: The financial report of the Clearing House for 1955 was submitted by the treasurer, Herman Edelsberg, and was accepted on motion of Philip Schiff, seconded by Bernard Weitzer. (A copy is also included with these minutes.)

Acting Chairman: Dr. Adams will be in Germany from late January to the end of February. The meeting approved appointment of John J. Gunther as acting chairman during his absence.

Current Reports : Clarence Mitchell, director of the Washington Bureau of the National Association for the Advancement of Colored People was the afternoon's featured speaker, discussing personal and economic pressures and intimidation in the South from the background of his own investigations in Mississippi and other Southern states.

Also reported upon and discussed by the meeting were:

The outlook for civil rights -- John Gunther, Americans for Democratic Action.

The school situation in Virginia -- John Edelman, Textile Workers Union of America.

Prospects in the area of immigration -- Herman Edelsberg, Anti-Defamation League of B'nai B'rith.

Current status of the Bricker Resolution -- Katherine Jansson, American Association for the United Nations.

Current Materials : The office has on hand a few extra copies of the following materials which were distributed at the meeting, and will be glad to send them out on request:

1) The People Take the Lead -- the American Jewish Committee's annual record of progress in civil rights from 1948 to date.

2) School Segregation, the St. Louis Way, reprinted from Adult Leadership by the Adult Education Association.

3) The NEA's Defense Commission's Bulletin for December, 1955, which reprinted the Washington Post's series on the various questions rising in connection with Virginia's Gray Plan.

4) M is for Mississippi and Murder -- The NAACP's pamphlet on three murders in that state in the summer of 1955.

-- Dr. Earl F. Adams, Chairman.

-- Mary Alice Baldinger,
Executive Director.

National Civil Liberties Clearing House

1637 MASSACHUSETTS AVENUE N.W. • WASHINGTON 6, D. C. • DUPONT 7 - 6300

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Executive Director
MARY ALICE BALDINGER

January 12, 1956.

Dear Friend:

Attached for your information, is the financial report of the National Civil Liberties Clearing House for 1955.

We think you will share our gratification in the fact that last year more organizations than ever before indicated their interest in the Clearing House by contributing to its support or by subscribing to its materials and services -- a total of 63.

We would like to express our whole-hearted thanks to all of those who have taken part in the Clearing House program of inter-organizational education and information-sharing in the fields of civil rights, civil liberties, intellectual freedom, and human rights generally. We hope that we may look forward to your continued interest through 1956.

Sincerely yours,

E. F. Adams

Earl F. Adams,
National Council of Churches,
Chairman.

Herman Edelsberg

Herman Edelsberg,
Anti-Defamation League of B'nai B'rith,
Treasurer.

Mary Alice Baldinger

Mary Alice Baldinger,
Executive Director.

MEMO

TO: February 7, 1956

Fred Routh

FROM: GSM

I keep alive an interest in this organization though I can seldom get to its meetings. You might have the meeting in mind with the idea of so planning your travel to enable you to go.

February 20, 1956

Mrs. W.H. Ratliff
Mississippi Council on Human Relations
1104 Lynch Street
Jackson, Mississippi

Dear Mrs. Ratliff:

I would personally appreciate your advice on this matter.

Fred Routh reminds me that Monsignor Brunini's brothers are able in the law.

Informal, unofficial inquiry of you.

Sincerely,

George S. Mitchell
Executive Director

GSM:mef

Encl.

(ACLU enclosure on Till case)

March 6, 1956

Mrs. W. H. Ratliff
Mississippi Council on Human Relations
1104 Lynch Street
Jackson, Mississippi

Dear Mrs. Ratliff:

I am ever so grateful to you for the careful and delicately judged answer you gave March 5.

Sincerely,

George S. Mitchell
Executive Director

GSM:mef

March 7, 1956

Mr. Ken Douty
Illinois Division
American Civil Liberties Union
19 South LaSalle Street
Chicago 3, Illinois

Dear Ken:

I sent your incoming of February 13 on the Till matter to a trusted friend in Mississippi, in good position to sound out opinion among Mississippians anxious to retrieve the situation.

What I get back is that it wouldn't work and it wouldn't help.

I am told it would be impossible to disconnect Mrs. Bradley from her former sponsors; that no open-minded jury could be impanelled. Everyone has formed and whether those opinions are irrational is beside the point as to jury service.

Mrs. Bradley has continued to meet speaking engagements. This is a matter for her judgment and no one would propose to supersede her judgment. But the matter is not conducive to a "new setting" for her.

A return by Mrs. Bradley to Mississippi at this time, it is thought, could touch off an explosive situation in that State.

Lastly and only suggested: The Glendora filling station case has inter-connections with the Till case and it is possible that there will be favorable developments in the Glendora case.

I am satisfied that my correspondent in this matter would have consulted informed and reputable attorneys.

Sorry to send you a report so discouraging but the situation in Mississippi evidently has little in it that is encouraging.

Sincerely,

George S. Mitchell
Executive Director

GSM:mef

RECEIVED MAR 6 1956

Mississippi Council on Human Relations

(Affiliated with the Southern Regional Council)

1104 LYNCH STREET
JACKSON, MISSISSIPPI

March 5, 1956.

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Dr. George Mitchell;
Atlanta, Georgia.

Dear Dr. Mitchell;

This is in reply to your letter regarding the possibility of bring Mrs. Bradley back to Mississippi to bring a civil suit in courts here.

I have contacted many people, informally and in connection with other matters and in connection with our problem here.

Without exception, the answer is no. First, it would be impossible to disconnect Mrs. Bradley from her former sponsors.

Second: You could not get an open minded jury to sit on the case. Every one has formed opinions, whether they are irrational is beside the point as to their jury service.

Third: Mrs. Bradley continues to speak wherever she can get a chance on the death of her son, which is certainly her privilege, but it would not be, and is not conducive to 'new setting' for her.

Fourth: There is every possibility that there may be some chance to re-open this case when the Glendora trial comes up this month. IF we can keep outsiders from throwing the switch again, there was a connection between the Glendora man and the Till defendants, and we are hoping much can be brought out and some things done which could not be done through Mrs. Bradley.

this is not documented - I gathered it from dropped comments here & there -

Fifth: Bringing Mrs. Bradley back at this time could be the the explosive situation which seems to be set off in other states with even less cause, doing irreparable harm for all concerned. Harm which would take years to undo.

I am not listing names of people I have contacted, I think it better not to do so. However, if I am in Atlanta again, I will be very glad to give a detailed account.

This is informal and unofficial. Sou. Reg. Council never mentioned -

Sincerely,

Cora R. Ratliff

RECEIVED MAR 6 1956

ILLINOIS DIVISION

AMERICAN CIVIL LIBERTIES UNION

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ANDOVER 3-6883

February 13, 1956

Mr. George Mitchell
Southern Regional Council
33 Auburn Avenue, N. E,
Atlanta, Georgia

RECEIVED FEB 15 1956

Dear George:

Several of us who have been interested in seeing if new approaches to the Emmet Till case could be made have been discussing the following:

1. One of the needs is to take the case out of a North-South framework, from onsponsored in activity by ACLU, NAACP or any other "northern" group. Thus, if a suit for civil damages should be brought in Mississippi courts, it should be brought in as near as possible in the same atmosphere that any mother might sue for the loss of the life of her son.

2. Therefore, if a civil suit were brought, it should be handled entirely by Mississippi attorneys and Mrs. Bradley must be prepared to place herself and all phases of the case completely in the hands of her Mississippi attornys.

3. The assumption is that if this framework could be brought into being, their might be one or more Mississippi lawyers who might risk the case. In our concept, this would have to be someone of the standing of a former president of the Mississippi Bar Association, some one who felt a degree of safeness from local retaliation.

4. It would have to be undertaken by an attorney as a public service, whether paid or not, who would see in it an opportunity to demonstrate, particularly after the Huie article in LOOK that justice still functions in some degree in the state. The theory runs that perhaps there might be Mississipians who would accept the chance of having the state purge itself of some of its guilt and guilt feeling.

We tried this out with Barry Bingham last week and he thought it worth a try. He is to advise with Mark Ethridge this weekend. He also suggested I write Hodding Carter.

The theory would be that some interested party would uncover a lawyer willing to talk with Mrs. Bradley in the framework above and that from there on out, it would be up to them to make their decisions. We have talked with Mrs. Bradley, who is willing as far as we can tell to see what can be done in this manner.

Could you give us your advise and views on this? Do you think the lawyer exists in Mississippi? How could he be found?

We are all well and busy. Give our best to Alice.

Yours sincerely, Ken Worth

522

Copy: Ed Howden

April 30, 1956

Mr. Eason Monroe, Executive Director
Southern California Branch
American Civil Liberties Union
5927 Sunset Boulevard
Los Angeles 28, California

Dear Mr. Monroe:

I have received your letter regarding my trip to the West Coast and the speaking engagements in Los Angeles, San Diego and San Bernardino. I will be pleased to fill these engagements and will reach Los Angeles not later than 4:00 the 23rd, as you suggest. I will send you later this week a mat of myself, some biographical information, and some material concerning the Southern Regional Council.

I think probably the best title for the talks I will give would be "Changing Patterns in the South" or, if you think it more exciting, "Desegregation comes to Dixie."

Best regards.

Sincerely yours,

Frederick B. Routh
Assistant Director

FBR:mef

P. S. I would appreciate it if you could make hotel arrangements for me in Los Angeles, San Diego and San Bernardino.

June 20, 1956

Mr. Eason Monroe,
Southern California Executive Director
Southern California Branch
American Civil Liberties Union
5927 Sunset Boulevard,
Los Angeles 28, California

Dear Eason:

Many thanks for your check and I am pleased that you think the trip was worth the investment. From our point of view, the trip was most worthwhile, for it got across the story that we think must be understood by the rest of the nation. Personally, of course, the whole trip was delightful, and your friendship and kindness was one of the most pleasant aspects of the entire time.

I was pleased to hear of your more recent meeting in San Diego and that some of the people there remembered my presentation.

It was a real pleasure to get to know you and Bill Carpenter. I enjoyed my stay more than I can say and some day I, too, hope that it will be possible for us to meet and work together.

Best personal regards.

Cordially,

Frederick B. Routh
Assistant Director

FBR:mef

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November 28, 1956

Mrs. Dorothy Tilly
1013 Highland View, N. E.
Atlanta, Georgia

Dear Mrs. Tilly:

During the month of March I plan to be in the South meeting with the Union's affiliates in Kentucky, Florida and Louisiana. It strikes me that if you felt that some good might be accomplished, I would be glad to make myself available for other meetings, especially with groups not in the ACLU fold, or for talks with individuals.

As you know, the Union fully supports the Supreme Court decision but we do understand that the problem of compliance in the South is difficult and that many problems must be overcome. We also are not focussing attention solely on the South, as the issue of discrimination and segregation is a major problem in other sections of the country.

Because we feel that the churches in the South hold the key toward acceptance of the Supreme Court decision, we are anxious to talk to such groups, to church meetings as well as the leaders.

Needless to say, while the issue of racial equality is most pressing, there are other facets of civil liberties defense which I could share with people in the South. I realize how delicate the situation is and will certainly rely on your advice and guidance.

Sincerely yours,

Patrick Murphy Malin

Patrick Murphy Malin
Executive Director

December 14, 1956

Mr. Patrick Murphy Malin,
Executive Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Mr. Malin:

Your letter of November 28 concerning your trip to the South has been delayed as I have tried to think through what we could do. If I knew your exact dates, I could make it possible for you to speak to a group of church women in Georgia and possibly Alabama, as I am to have workshops in March in both of these states. I suppose you know it's rather difficult just to get up a special meeting when the calendars are so full all the time. It would be most helpful to have you talk on civil liberties in general as we in our workshops spend our time seeking ways to ease the tensions and make it possible for the Supreme Court decision to meet with compliance.

On October 30-31st, I had a southwide meeting of Church women - Protestant, Catholic, and Jewish, and of both races. This type of thing I have been doing for a great many years, as issues would arise in the South. I am enclosing a copy of the gleanings from this workship.

I suppose you know we are having difficult times in the South with our Attorney Generals and our Governors. At the same time, there is a very strong group of people quietly working, and their work is becoming more and more effective.

With the best of season's greetings to you, I remain

Yours sincerely,

Mrs. M. E. Tilly

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December 18, 1956

Mrs. M. E. Tilly
Southern Regional Council, Inc.
Room 432
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Mrs. Tilly:

Thank you so much for your letter of December 14 concerning my trip to the South in March. As I can make my ACLU affiliate dates to fit your schedule, I suggest that you select the dates that you think best and I will tailor my schedule accordingly.

I am delighted to learn that you think appearances can be scheduled before groups of church women in Georgia and Alabama. Might I also suggest, if it is feasible and desired, that arrangements be made for appearances at general church meetings.

I have heard from Dr. Clement that he will be glad to work with you in setting up meetings and contacts, and he also advises that Mr. Harold Flemming, the new Director of the Southern Regional Council, might also be helpful. Perhaps his good offices could be used in terms of the general church meetings I refer to above.

I will be happy to talk on civil liberties in general as you suggest.

It would be repetitious for me to state again our heartfelt thanks for the yeoman service you are giving in the cause of improved race relations in the South, but I do want you to know that your kind of unpublicized but face-to-face contact work is extremely important; and the country is in your debt for your efforts to better the race relations picture.

As soon as I hear from you as to the March dates, I will be able to formulate final plans.

Again, thanks for your cooperation.

Sincerely yours,
Patrick Murphy Malin

Patrick Murphy Malin
Executive Director

cc: Rufus E. Clement

January 7, 1957

Mr. Patrick Murphy Malin
Executive Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Mr. Malin:

I have just received your special appeal for funds for continuing the fight to increase the status of civil liberties in the United States with special emphasis on work in the South. As you probably know, our organization, the Southern Regional Council, is deeply engaged in the same work. I think it would be fair if in turn you donated to the work of the Council. This has been done by staff members of several national organizations to which I have sent contributions.

Best wishes in your work.

Sincerely,

Frederick B. Routh
Assistant Director

FBR:mm

enclosure - Check No. 474

January 31, 1957

Mr. Patrick Murphy Malin
Executive Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Mr. Malin:

I do not blame you for being concerned because you did not have an answer to your letter of December 18th. Frankly, I was not here when it came and it was days old before I received it. Since the first of the year, I have not been in the office much as we have already been holding workshops of state groups.

I wish you might have been down here through January or February rathern than March. I do want you, if possible, to be with us on March 14 at the Workshop for Georgia Women to be held in the Wesley Memorial Church, 63 Auburn Avenue. The Alabama dates are pending. I hope to give you a definite date in the next day or so. I will be in Kentucky the week of the 25th and will also write you about this.

Life is very interesting here these days -- sometimes you are heartsick, then again comes some bright ray of hope, and you take courage and go on.

With the best of wishes to you.

Sincerely,

Mrs. M. E. Tilly

MET:fc

VIA AIR MAIL SPECIAL DELIVERY

June 5, 1957

Mr. Alan Reitman
Assistant Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear ~~Mr. Reitman~~ Alan:

My sincere apologies for this delay in answering your good letter of May 29th regarding the ACLU's statement on the jury trial amendment. I have been laid low with a virus for the last week, and in the confusion your letter didn't get dealt with.

The statement is a very sound clear analysis of the jury trial question, and we could use copies of it to good effect as an informational piece for people down here who are perplexed by this question. If it is not too late for us to take you up on your offer, we will appreciate whatever quantity you can let us have.

Best regards.

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf

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AIRMAIL
SPECIAL DELIVERY

RECEIVED MAY 29 1957

May 28, 1957

Mr. Harold Fleming, Executive Director
Southern Regional Council, Inc.
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Harold:

I do not know if you have seen the enclosed text of our statement on the jury trial amendment to the civil rights legislation. I write because it has been inserted into the Congressional Record by Senators Clifford Case of New Jersey and Jacob Javitz of New York. We have a number of mimeographed copies on hand but we thought that the printed copy from the Record might be a useful educational tool. Do you think that you could use several hundred for your work in the South?

The statement is devoid of emotionally charged words, is non-political, and therefore might be better than other statements which naturally emphasize other interests.

Could you let me know as soon as possible as our Washington office is anxious to proceed on this?

Best wishes.

Cordially yours,

Alan Reitman
Assistant Director

Enclosure

5/22/57

advertising business has been relatively trained in recent years in the number and acement of signboards, and although the public is unsympathetic, it is not indignant. Although some States would ban billboards along the Interstate System on their own, a majority would allow them.

The trend of State legislation, supported by court decisions, has been in favor of strict billboard regulation on high-speed limited-access roads. Outdoor advertising, although unchallenged in industrial areas, will find it difficult in the years ahead to stay on the new Interstate System.

As public esthetics develops as a factor in legislation, this heretofore permitted medium is coming into increasing conflict with local ordinances and zoning. No matter what decision Congress reaches, the battle of the billboards is likely to be fought out on the State and local level for the next generation.

STATEMENT BY AMERICAN CIVIL LIBERTIES UNION ON JURY TRIAL AMENDMENT TO CIVIL RIGHTS LEGISLATION

Mr. CASE of New Jersey. Mr. President, I should like to call the attention of my colleagues to a statement which the American Civil Liberties Union has released today opposing the jury trial amendments to the civil rights bill.

As Senators know, the heart of the attack upon the right to vote bill (S. 83), now pending before the Senate Judiciary Committee, is the allegation by its opponents that persons cited for contempt of court under the bill's provisions would be denied the right to jury trial.

The bill in question would permit the Attorney General to bring a civil suit in the Federal district courts to enjoin State officials or others from depriving citizens of their right to vote. In the normal court case, of course, the party who is enjoined from a given course of action can be expected to comply with the court's order. Contempt cases arise only when the court's order is disobeyed.

It is in the latter kind of case that opponents of right to vote legislation now seek to impose a jury trial.

The injection of this issue into the discussion of S. 83 has engendered confusion not only in the press but in Congress as well. No supporter of constitutional rights likes to be charged with denying another's rights, particularly a right so fundamental as trial by jury. And much of the public does not understand that neither the Constitution nor prior legal precedent provides for a jury trial in contempt cases of the kind which might arise under S. 83.

It is, therefore, particularly gratifying to note the Civil Liberties Union's release today of a lucid and concise analysis of the jury trial amendment.

During its long career the Civil Liberties Union has steadfastly refused to temporize with any of our constitutional liberties. For this reason, its opposition to the jury trial amendment assumes particular significance at this time.

The jury trial is, of course, one of our most prized institutions of justice. While our Constitution does not guarantee jury trial in contempt cases, Congress has on occasion extended the right to jury trial to cases where the Constitution does not require it. I, for one, appreciate fully the jury's value as a check upon the arbitrary exercise of governmental power. But I am convinced that it has no place in so-called civil-rights legislation.

As the ACLU's memorandum points out:

> While there is always need to guard vigilantly against the misuse of Government power, including injunctions which are too broad and restrain constitutional activity (as we have recently argued is the case in the Clinton, Tenn., injunction), there is also need to prevent weakening of the power of our courts to uphold the law of the land. The right of equal treatment under law is fatally undermined when community sentiment blocks the enforcement of law.

Enforcement of the law has been undermined in some sections of the country where community sentiment has blocked effective enforcement of the right to vote. If court orders are to be respected in cases of this kind in which the Federal Government seeks to uphold public policy, the courts must be able to punish contemptuous acts. In conclusion, I quote once more from the ACLU's memorandum:

> To grant jury trials in the civil-rights legislation would protect officials who are failing to do their duty in protecting the constitutional rights of citizens. Jury trials in contempt cases growing out of such legislation would give a privileged position to State officials who might defy Federal judges upholding the law of the land.

Mr. President, I ask unanimous consent that the statement from the American Civil Liberties Union be printed in the RECORD at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ACLU STATEMENT ON JURY TRIAL AMENDMENT TO CIVIL RIGHTS LEGISLATION

The American Civil Liberties Union believes that all Americans are entitled to all the civil liberties guaranteed in the Constitution, free speech and association, due process and equality before the law. To advance equality before the law for all Americans, particularly the Negro citizens of the South who have been denied equal treatment, the ACLU is supporting Federal legislation toward this objective—bipartisan legislation suggested by the administration and backed by influential leaders in the Democratic Party.

The key sections in this legislation authorize the Federal Government to seek by the civil remedy of injunction a more effective protection of the right to vote and other constitutional rights, against deprivation especially by State officials. This is proposed to insure more effective protection for Negroes against intimidation, coercion and physical assault which prevent their voting and enjoying other constitutional rights. The need for this civil relief was pointed up by the Attorney General, in his testimony of February 14, 1957, before the Senate Subcommittee on Constitutional Rights.

"Criminal prosecutions of course cannot be instituted until after the harm actually has been done, yet no amount of criminal punishment can rectify the harm which the national interest suffers when citizens are illegally kept from the polls. Furthermore, criminal prosecutions are often unduly harsh in this particular field where the violators may be respected local officials."

Civil rights legislation has been blocked for years by the filibuster and other devices. This year it is being opposed especially on the ground that persons who are charged with contempt of a Federal court injunction restraining interference with the right to vote will not receive a trial by jury. Opponents of the legislation correctly state that under present law, although a person charged with criminal contempt is generally entitled to a jury trial when the enjoined acts would be a violation of the criminal law, he is not entitled to it in a case where the United States has brought the action for injunction, as would happen under the proposed civil rights legislation.

The right of trial by jury is rooted deep in our constitutional guarantees, to prevent the power of Government being used as a weapon of oppression, among other purposes. The American Civil Liberties Union has been a vigorous defender of this right, even in some areas where it is not strictly required constitutionally, because of our strong belief that the abuse of governmental power can be limited by juries, which represent a cross-section of community sentiment rather than the views of a single judge. This concern for the citizen's liberty has made us apprehensive of broadening the power of Federal courts to prohibit criminal conduct under the threat of punishment for criminal contempt, as indicated in our February 27 statement on the Clinton, Tenn., case. That case concerned John Kasper and 16 other anti-integrationists who were arrested for contempt of the court order enjoining them from interfering with the Clinton school integration program.

The Constitution guarantees jury trial only in criminal cases, and in civil suits involving more than $20; there is no such guarantee in contempt cases. Until 1914, Congress made no provision at all for jury trials in contempt proceedings. Then, in the Clayton Act, it allowed jury trials in contempt cases where the acts were also violations of Federal or State criminal laws except, in order that the Federal Government might carry out its functions and enforce the laws of the land, in cases to which the United States is a party. Another exception was made in 1932, when the Norris-LaGuardia Anti-Injunction Act accorded labor unionists jury trials when they were charged with contempt of court injunctions in strike situations.

The absence of a jury trial in suits brought by the Government is not unusual. There are at least 28 other laws under which the United States is authorized to seek injunctions, without provision for jury trials; these include the antitrust laws, the Atomic Energy Act, the Fair Labor Standards Act, the Securities and Exchange Act and acts affecting the Interstate Commerce Commission and Federal Trade Commission. Moreover, jury trials in contempt proceedings are not generally required under the constitutions or laws of the States, including the Southern States.

After full and careful study of the possible need for a jury trial amendment to the proposed civil rights legislation, we are convinced that the present jury trial argument is chiefly a contrived obstruction to defeat the desperately needed civil-rights legislation. So, we are vigorously opposed to any amendment requiring a jury trial.

What are the reasons for the ACLU's opposition to the jury amendment?

1. While there is always need to guard vigilantly against the misuse of Government power, including injunctions which are too broad and restrain constitutional activity (as we have recently argued is the case in the Clinton, Tenn., injunction), there is also need to prevent weakening the power of our courts to uphold the law of the land. The right of equal treatment under law is fatally undermined when community sentiment blocks the enforcement of law. The injunc-

tion is an effective legal technique to protect constitutional rights. As the Attorney General pointed out in his testimony, this method of protection would seek to prevent State officials from committing acts violative of a criminal statute. It is far better for all concerned—including those officials—to enjoin these acts before they are committed than to prosecute after the harm has been done. The main point to be kept in mind is that the proposed legislation aims simply at providing more effective enforcement of voting and other constitutional rights for all citizens.

2. Supporters of jury-trial amendments contend that to grant power to the courts to restrain criminal conduct would circumvent due process. However, before a person is enjoined he is entitled to all the guaranties of a fair hearing, with every opportunity to prove the invalidity of the application for the order. He also has a full right to appeal to higher courts, a check on arbitrary decisions. Even temporary restraining orders are issued only if the Government's affidavits show clearly that an immediate and irreparable loss will be suffered, so that no notice can be given and a hearing held. Then hearings on temporary restraining orders are quickly scheduled; the orders are of minimal duration; preliminary injunctions cannot be issued without notice and a hearing, which gives the defendants an opportunity to be heard. Then, at the trial for a permanent injunction, the Government has to present its case that there is a threat of irreparable injury; the defendants are represented by counsel, they may confront and cross-examine witnesses and present information to show that the injunction is unwarranted. Finally, if the order is disobeyed, it must be established beyond reasonable doubt that the disobedience was willful before a person can be punished for criminal contempt. The act of disobedience is an act of contempt of court, not an act violating a criminal statute, and it is penalized in order to maintain the court's traditional and indispensable authority to uphold the law—and the due process requirements provide a safeguard against the fear that Federal judges will not administer justice impartially, because of regarding violation of their injunctions as a personal affront or because of owing loyalty to the national administration under their appointment by the President.

3. A major argument advanced for the jury-trial amendment is the alleged discriminatory treatment of persons disobeying an injunction to guarantee civil rights, as compared with the treatment of labor unionists under the Norris-LaGuardia Act. But the very purpose of the Norris-LaGuardia Act was to support a congressional policy, that workers should be free to organize and bargain collectively; it was passed for the very reason that judges had been going beyond the law. As Senator PAUL DOUGLAS said, in a brief submitted to Congress on the jury-trial question on April 18:

"In the decades prior to the 1932 * * * courts would issue injunctions and use their contempt power indiscriminately, not to prevent violations of law but to prevent labor organization and freedom of collective bargaining. Decades of such demonstrated hostility by the courts to labor and its interests prompted Congress to implement the growing national policy in the labor field by specifically curtailing the Federal injunctive power in many areas of labor litigation and by providing that juries rather than judges determine whether contempt had been committed."

In short, the jury trials granted under the Norris-LaGuardia Act were included to protect people against oppressive government. To grant jury trials in the civil-rights legislation would protect officials who are failing to do their duty in protecting the constitutional rights of citizens. Moreover, Congress subsequently limited the Norris-LaGuardia Act jury trial provision by providing in the Taft-Hartley Act that such provision would not be applicable to injunctions sought by the United States under the new act.

The current congressional proposals to strengthen our civil-rights laws are the least dramatic and most cautious approach to the enforcement of basic constitutional rights. Their purpose is not to punish, but to prevent infringement of the right to vote. Jury trials in contempt cases growing out of such legislation would give a privileged position to State officials who might defy Federal judges upholding the law of the land.

Mr. JAVITS. Mr. President, I wish to compliment my colleague, the Senator from New Jersey, for inviting the attention of the Senate to the document he has just offered, which refers to the key question on the proposed civil-rights legislation, the right to a trial by jury on a contempt citation brought by the United States Government.

I believe the procedure mentioned is nothing but begging the question. The procedure of citation for contempt is a time-honored method of procedure, and I am very glad to see that other organizations, in addition to those which are discussing the matter here, are coming to grips with it. I compliment the Senator from New Jersey for bringing this statement of the American Civil Liberties Union to the attention of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7221) making supplemental appropriations for the fiscal year ending June 30, 1957, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON, Mr. THOMAS, Mr. KIRWAN, Mr. WHITTEN, Mr. ROONEY, Mr. TABER, Mr. JENSEN, Mr. H. CARL ANDERSEN, and Mr. CLEVENGER were appointed managers on the part of the House at the conference.

ONE HUNDRED AND FORTY-THIRD ANNIVRESARY OF NORWEGIAN INDEPENDENCE

Mr. HUMPHREY. Mr. President, this past weekend Norwegians and people of Norwegian descent celebrated "Syttende Mai," commemorating the 143d anniversary of Norwegian independence.

It is a great tribute to the great nation of Norway that this rugged land, washed along its cliffbound coasts by the Arctic Ocean, the North Sea, and the Atlantic Ocean, not only has withstood the forces of nature, but for a century and one-half has withstood attacks against its freedom and independence with equal courage, integrity, and perseverance.

One hundred and forty-three years ago, on May 17, 1814, a group of courageous and determined patriots met near Oslo to promulgate a liberal constitution, which has served as a guide for freedom-loving people the world over ever since.

This band of patriots showed the keen forethought that is a mark of Norwegian character.

The world was in conflict everywhe Britain and the United States were s entangled in the War of 1812; just a few days before the British had attacked and destroyed the forts at Oswego, N. Y. Mexico was in revolt against the Spanish Government. Napoleon was sent to Elba and the Bourbon dynasty was restored. All Europe, in a reaction to Napoleon's onslaught, seemed bent toward the "days of old."

But the people of Norway, though in a state of unrest, were looking ahead. They carefully studied the recently adopted constitutions of the United States, France, and Spain, and drafted a document of their own. They declared their independence with this constitution on May 17, 1814.

Charles XIII of Sweden, recognizing that the courageous Norwegians could not be intimidated, accepted the constitution before the year was out, declaring Norway a free, independent, indivisible and inalienable state, united in brotherhood to Sweden.

Through the years, many have learned that Norwegians cannot be intimidated.

Who will forget their dramatic role in World War II? Not only did they put up courageous battle against Nazi Germany against overwhelming odds, but later fought an unrelenting underground struggle that will forever stand in relief in the annals of history.

Norway, a nation like our own, born to democracy and dedicated to peace, today has refused again to be coerced by her gigantic neighbors, and has taken a forthright stand with the West in the North Atlantic Treaty Organization and in the United Nations.

Sons and daughters of this sturdy Scandinavian country first came to the United States in 1825, bringing with them the love of hard work, a cast of individualism, a sense of craftsmanship and a devotion to the cause of democracy and freedom. More than a million Norwegians and Norwegian descendants are in the United States today, and more than one-fourth are located in my State of Minnesota. Through my mother, a native of Christiansand, Norway, I am happy to count myself among them. But all Americans, whatever their ancestry, rejoice today that Norway remains one of our greatest and most steadfast friends.

Mr. President, I desire now to advert to another subject.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

THE RISING COST OF LIVING AND CORPORATION PROFITS

Mr. HUMPHREY. Mr. President, on March 8 I made a short statement in the Senate in which I took issue with administration charges and innuendoes that rising prices were largely due to the wage demands of American workers.

Much to my surprise I soon thereafter began receiving newspaper articles from all sections of the country attacking my speech, and by coincidence all the columns were markedly similar both in terms of reporting what I said and in the criticism thereof. It was evident that

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RECEIVED JUN 12 1957

June 10, 1957

Mr. Harold C. Fleming
Executive Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Ave., N. E.
Atlanta 3, Georgia

Dear Harold:

Many thanks for your letter of June 5. I am having sent directly to you 500 copies of the ACLU statement on the jury trial amendment, which Senator Case inserted in the Congressional Record.

Cordially yours,

Alan Reitman

Alan Reitman
Assistant Director

Dear Mr. Baldwin:

Many thanks for your recent note. I am glad to have an opportunity to pass along to you ~~my~~ some ideas about the role of Northern-based agencies anent the South.

First of all, I do feel that there are things to be done by non-Southern groups. All of us have been dismayed at times by unwise antics on the part of well-meaning but misguided sympathizers from "outside." So I would share your misgivings unless the programs undertaken were carefully ~~xxxxxxxxx~~ planned and carried out, preferably in close collaboration with knowledgeable Southerners.

The groups that can help most are those which carry on truly specialized activity. ~~In~~ At a recent meeting of the CCD in Washington, for example, some of us from the South ~~proposed~~ advanced a program idea that we felt the ACLU or others might be willing to take on. In brief, the idea is to assign to the South a staff person ~~xxxxxxxxxxx~~ who would work exclusively with sympathetic lawyers ~~xxxxxxxxxxx~~ and organizations ~~xxx~~ ~~xxxxxxxx~~ with staffed human relations programs in the South. As you know, a formidable amount of repressive legislation has been passed by the Southern states. Southern organizations concerned with civil rights find themselves operating in ~~xxxxxxxxxx~~ dangerous and uncharted legal waters. Most of them (like the SRC) do not ~~xxxxxx~~ have legal staff. They must depend instead on such voluntary counsel as friendly but busy local lawyers can give them. This is insufficient, especially since the field of ~~xxxxxxxxxx~~ pro-segregation

law and administration requires more specialization that a lawyer with a full-time practice can give it on a purely volunteer basis. At this point, a legally skilled agency could render valuable service — not the normal functions of counsel, but dealing with the special civil liberties problems raised by the new legislation.

I mention this only to illustrate the kind of thing that a Northern-based organization like ACLU might usefully do in the South.

The unions have a different kind of job to do -- namely, working with their own members and staffers in the South. Discrimination in union affairs, in hiring, and in upgrading are serious enough to require at least one full-time man working with the locals of each international operating in the South. Yet, as you know, almost none of the internationals have a staff member with this specific responsibility. As matters stand, Emory Via, serving on our staff through Ben Segal's program, is trying to fill as much of the gap as he can. At the very least, the unions can support and cooperate with this effort (as some of them are doing).

Not being a pacifist myself, I feel some reluctance to make a judgment activity of this kind. I do believe that the risk of unwittingly inflaming local sentiment is greatest in the case of highly principled individual action. I asked Emory Via, who is a pacifist, for his opinion, which follows: "Most likely to be effective are those whose pacifism is religiously based and who are willing to undertake the job of person-to-person contact with only partly persuaded religious leadership. That maturity, conviction, intelligence,

and humility are required for this task is self-evident. Experienced northern pacifists might be useful as advisers to Southern colleagues on aims, methods, and alternative strategies."

I hope these random comments will be of some help. Perhaps the next time I am in New York, we can discuss this and other matters of mutual interest.

Warm regards.

Sincerely,

HCF

Possible uses of northern based agencies in South per Baldwin request.

ACLU: Utilized their lawyerly contacts in the South in three major ways:

1) public opinion as the law touches community problems; e.g. a constant hammering home by lawyers to support law and order, denounce civil strife, to support the court. This is an area which can be programmed but needs stimulation, ideas, and coordination.

2) advice to human relations agencies. This is not acting as their counsel, but to aid in problems that impinge upon civil liberties, their ramifications, what approaches can be utilized(through the law) this would almost be a "consultant" function by a lawyer.

3) legal research. There must be a dozen useful projects which could be undertaken immediately. Partly, we need summarizing what the law on given issues says for the various states, partly we need the kind of reporting of practice which lawyers are best equipped to give. e.g. the qualifications for jurors, the mechanics of selction, and any racial factors such as separate lists, actual use of Negroes,etc. And some of the background work for use in civil rts. com. type work. (Action projects such as the desegrgation of bar associations and the careful watching for discrimination in admission to the bar might be possibles.)

Unions: First, attention to their own immediate problems. Understand what their actual racial patterns and practices are in the South. Then can they put on at least one full time man to work with their own locals, pointing up problems which the locals and staff refuse to see, doing labor eduction work on civil rts. and Southern problems, aiding in getting union cooperation with human relations agencies and others in positve community action. Unions need to think through more forcefully and positively what their role is in merit employment and upgrading. The usual dodge that management hires is used by reps. of even the unions with the best reputations in this area. National level conferences with management, re-examination of upgrading policies and how to procure and process discrimination grievances are two things that can be done in this feild. A willingness to quietly aid agencies in this field to put the pressure on the union itself for employment practice changes is one possible strategy where the union feels it can not lead out on this task. Continued emphasis on the grounds for political cooperation and respectuful, cooperative approaches to Negro leadership with candor about what can be delivered and what not would an aid.

Pacifists: Perhaps the greatest use of pacifists would be of those whose pascifism is religiously based and who are willing to undertake the job of person to person contact, perhaps with not-sufficiently-convinced religious leadership, on moral and spiritual grounds seeking to stimulate ideas and impulses which can lead to attitude change. That maturity, conviciton, intelligence, and humility are required for this task is self-evident.

Experienced northern pacifists might be useful in collaboration with southern colleagues in non-violent positive action where plans have been conceived and what is needed is careful thinking and planning, and understanding of aims, methosd and alternatives.

Pacifists: (cont)

Almost without exception, fly-by-night, or compulsive demonstrations are without value and can lead to real harm.
It seems to me that it would be of value to have some projects thought out in advance and let them be tested as ideas against ~~other~~ Southern religious leaders judgement and perhaps that of agency personnel as well. It would usually be a mistake to attempt to make these kinds of activities a part of agency program; but agencies have responsibility for recognizing that beneficial programs other than agency-type can be projected and perhaps should encourage their projection. In

In answereing Baldwin in general, it seems to me a mistake to accept his assumption that Northern based ~~ag~~ groups would only agitate the situation. It is equally a mistake to fail to produce handles which sincerely interested groups can grap to express thier interest. We should always be in the position of being able to put the monkey on their back, causing them to give helpful performance or admit that interest is not to be backed. I agree with Charlie Brown that we can use all the sympathy that we can get. I extend this to outright aid as well.

JUL 15 1957

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Southern Regional Council, Inc.
ROOM 432, 63 AUBURN AVENUE, N. E. ATLANTA 3, GEORGIA
Phone: 2-5764

A Council to attain, through research and action, the ideals and practices of equal opportunity for all peoples in the South.

July 12, 1957

Mr. Roger Baldwin
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Mr. Baldwin:

We thought you would like to see this report on the Council's work during the last six months.

With appreciation and warm regards,

Sincerely,

Harold C. Fleming

Harold C. Fleming
Executive Director

HCF/mf

Enclosure - Semi-annual Report of SRC

I appreciate your thought of me, and would appreciate more your confidential opinion as to how useful any northern-based agency can be in the South now. I refer to the unions, the ACLU and the pacifists, all of whom yearn to get into it, with Southern sympathizers, of course. But I wonder if they won't inflame an already hot conflict. As I am asked for advice and help, I'd value your confidential view.

Warm regards,

Roger Baldwin

Sept. 10

American Civil Liberties Union

September 25, 1957

Miss Margret R. Bloomer
Administrative Assistant
American Civil Liberties Union
170 Fifth Avenue
New York, 10, N.Y.

Dear Miss Bloomer:

We have received your letter of September 24 requesting a list of our affiliated state organizations. I note that the letter was addressed to Dr. Mitchell. He has retired to Scotland and his successor is Harold C. Fleming.

I am enclosing a list of the state organizations so that you may mail to them the 37th Annual Report of the American Civil Liberties Union. These state organizations will become unaffiliated as of October 1st, but we shall continue a close working relationship with them.

My warm regards to Pat Malin.

Sincerely,

Frederick B. Routh
Assistant Director

Enc.

FBR:fcl

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September 24, 1957

Dr. George Mitchell
Southern Regional Council
63 Auburn Avenue, N.E.
Atlanta, Georgia

Dear Dr. Mitchell:

I have a January 11, 1957 list of your affiliated state organizations, which you kindly sent me in order that we might send staff members copies of our 36th Annual Report.

We are now preparing envelopes for mailing our 37th Annual Report early in December and would appreciate your letting me know if there are any changes in the January list.

Sincerely yours,

Margret R. Bloomer

Margret R. Bloomer
Administrative Assistant

SOUTHERN REGIONAL COUNCIL
63 Auburn Avenue, N.E., Atlanta, 3, Georgia

AFFILIATED STATE ORGANIZATIONS

Alabama Council on Human Relations

Mr. Robert E. Hughes
Executive Director
Room 1218 Comer Building
Birmingham 3, Alabama

Arkansas Council on Human Relations

Mr. Nat Griswold
Executive Director
211 Izard Street
Little Rock, Arkansas

Florida Council on Human Relations

Mr. William K. Williams
Executive Director
213 N.E. Second Avenue
Miami, Florida

Georgia Council on Human Relations

Mr. Guy H. Wells
Executive Director
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Kentucky Council on Human Relations

Miss Verbenna Scott
208 West Main Street
Frankfort, Kentucky

Louisiana Council on Human Relations

Mr. Milton C. Vigo
Executive Director
303 Board of Trade Annex Building
New Orleans 12, Louisiana

North Carolina Council on Human Relations

Rev. Harry S. Jones
Executive Director
121 East Third Street, Room 209
Charlotte, North Carolina

South Carolina Council on Human Relations

Mrs. E. H. Spearman
Executive Director
1508 Lady Street
Columbia, South Carolina

Tennessee Council on Human Relations

416 Twenty-first Avenue, South
Nashville, Tennessee

Texas Commission on Race Relations

Rev. Edwin G. Kloppe
Executive Director
504 West Twenty-fourth Street
Austin, Texas

Virginia Council on Human Relations

Dr. John H. Marion
Executive Director
1409 Choawn Road
Richmond, 26, Virginia

Mississippi State Council on Human Relations (independent from January 1957)

Mrs. R. S. Lyells
Executive Director
P.O. Box 9096
Jackson, Mississippi

September 30, 1957

Mr. Roger Baldwin
~~American Civil Liberties Union~~
~~170 Fifth Avenue~~
~~New York 10, New York~~

sent to:
282 West 11th Street
New York 14

Dear Mr. Baldwin:

Many thanks for your recent note. I am glad to have an opportunity to pass along to you some ideas about the role of Northern-based agencies anent the South.

First of all, I do feel that there are things to be done by non-Southern groups. All of us have been dismayed at times by unwise antics on the part of well-meaning but misguided sympathizers from "outside." So I would share your misgivings unless the programs undertaken were carefully planned and carried out, preferably in close collaboration with knowledgeable Southerners.

The groups that can help most are those which carry on truly specialized activity. At a recent meeting of the CCD in Washington, for example, some of us from the South advanced a program idea that we felt the ACLU or others might be willing to take on. In brief, the idea is to assign to the South a staff person who would work exclusively with sympathetic lawyers and organizations with staffed human relations programs in the South. As you know, a formidable amount of repressive legislation has been passed by the Southern states. Southern organizations concerned with civil rights find themselves operating in dangerous and uncharted legal waters. Most of them (like the SRC) do not have legal staff. They must depend instead on such

voluntary counsel as friendly but busy local lawyers can give them. This is insufficient, especially since the field of pro-segregation law and administration requires more specialization than a lawyer with a full-time practice can give it on a purely volunteer basis. At this point, a legally skilled agency could render valuable service - not performing the normal functions of counsel, but dealing with the special civil liberties problems raised by the new legislation.

I mention this only to illustrate the kind of thing that a Northern-based organization like ACLU might usefully do in the South.

The unions have a different kind of job to do -- namely, working with their own members and staffers in the South. Discrimination in union affairs, in hiring, and in upgrading are serious enough to require at least one full-time man working with the locals of each international operating in the South. Yet, as you know, almost none of the internationals have a staff member with this specific responsibility. As matters stand, Emory Via, serving on our staff through Ben Segal's program, is trying to fill as much of the gap as he can. At the very least, the unions can support and cooperate with this effort (as some of them are doing).

Not being a pacifist myself, I feel some reluctance to make a judgment on an activity of this kind. I do believe that the risk of unwittingly inflaming local sentiment is greatest in the case of highly principled individual action. I asked Emory Via, who is a pacifist, for his opinion, which follows: "Most likely to be effective are those whose pacifism is religiously based and who are willing to undertake the job of person-to-person contact with only partly persuaded religious leadership. That maturity, conviction, intelligence, and humility are required for this task is self-evident. Experienced Northern pacifists might be useful as advisers to Southern colleagues on aims, methods, and alternative strategies."

I hope these random comments will be of some help. Perhaps the next time I am in New York, we can discuss this and other matters of mutual interest.

Warm regards.

Sincerely,

Harold C. Fleming
Executive Director

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October 1, 1957

Mr. Harold C. Fleming, Executive Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Harold:

Many thanks for your letter of September 23 and the enclosures. For our affiliate use I think the 1950 pamphlet, Race In The News, is a little bit dated. However the memorandum on press relations is excellent and timely and with a few special civil liberties points, I think can be effectively used. We do appreciate your making these documents available to us.

Let's hear from you if you think there is anything more that we can do on the general situation.

Best wishes.

Sincerely,

Alan

Alan Reitman
Assistant Director

Encls: "Race in the News"
Staff memo - re: Press Relations, H. C. F.
N. Y. Herald Tribune Reprint, Apr. 16, 1950
Newsweek - Time Reprints, Oct. 3, 1949

September 23, 1957

Mr. Alan Reitman
Assistant Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Alan:

Here are a couple of things that may spark one or two ideas for your work with the Southern chapters. Pretty elementary stuff, but I gathered that was the level you are aiming at.

It was good to see you in Washington. I hope something results from our head-knocking.

Sincerely,

Harold C. Fleming
Executive Director

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November 8, 1957

Mr. Paul Anthony
Administrative Assistant
Southern Regional Council, Inc.
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear Mr. Anthony:

Mr. Baldwin asked me to thank you very much for the material you sent him. It surely will be a help to him.

Sincerely yours,

Alice Bergwerk

Alice Bergwerk
Secretary to Mr. Baldwin

WITH ORGANIZED AFFILIATES IN TWENTY STATES
AND 700 COOPERATING ATTORNEYS IN 300 CITIES OF 47 STATES

VIA AIR MAIL

January 21, 1958

Mr. Alan Reitman
Assistant Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Alan:

Thanks for your letter expressing concern about Hazel Smith's plight. I'm glad you share our feeling that it is a case worthy of some effort.

One thing we didn't make clear, I'm afraid, was the reason for confidentiality. Mrs. Smith and sympathizers who know her situation (e.g., Will Campbell, Gene Cox) feel strongly that public championing of her cause by the liberals afar would be damaging, if not fatal. Thus we have no choice but to limit the use of the material to private communications. Certainly it would be helpful and appreciated if you should place the information in the hands of the influential people you mention. But any approaches involving publicity or the likelihood of publicity are closed to us.

This circumstance sorely restricts our efforts to muster assistance for Hazel Smith, and I only wish it were otherwise.

I hope to see you at the Mass Media Committee meeting in February.

Cordially,

Harold C. Fleming
Executive Director

HCF/mf

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January 17, 1958

Mr. Harold C. Fleming, Executive Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N. E.
Atlanta 3, Ga.

Dear Harold:

I have read with fascination and dismay the letter and background material circulating with respect to Mrs. Hazel Brannon Smith of Lexington, Mississippi. It is a shocking case, and I certainly hope that financial help needed will be forthcoming.

I note that your letter is marked confidential, but I would like to place the information in the hands of some people who might be helpful; for example; Bob Brown of Editor & Publisher, and Jim Kerney of the Trenton, N. J. Times. We probably also could have some senator like Paul Douglas or Jack Javits comment on this situation on the Senate floor. I also would like to carry this story in our weekly bulletin service, which gets to about 1,000 public opinion people in the country. In other words, can the material be used publicly? Please let me know.

Best wishes.

Cordially,

Alan

Alan Reitman
Assistant Director

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February 26, 1958

Mr. Fred Routh
Southern Regional Council, Inc.
Room 432
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Fred:

Thank you for your note about the ABA meeting in Georgia. We share your feeling about this matter, but we don't believe a New York-based protest will have any real effect. I understand that this is a regional conference, not the national ABA meeting, and I imagine that even if the meeting had been transferred to some other southern state the same problem would exist - state opposition to the Supreme Court rulings. And as there are a good number of ABA lawyers who disagree with the high court's position, we think it would be wiser to continue educational efforts within the organization to bring it around to the court's way of thinking. Our comments are based on a discussion with our Board chairman, Ernest Angell, who is quite active in the ABA and alert to the problem you raised.

Cordially yours,

Pat Malin

Patrick Murphy Malin
Executive Director

Blind copies of this ltr. sent to:

Bob Hughes - Alabama Council on H. R.
Ed Lukas - AJC
Tartt Bell - AFSC
C. H. Yarrow - AFSC (Rights of Conscience Program)

VIA AIR MAIL SPECIAL

April 16, 1958

Mr. Rowland Watts
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Mr. Watts:

This is to follow-up our telephone conversation of a couple of weeks ago. You will recall our understanding that either Mr. Angell or you would write to Douglas Arant of Birmingham urging that Mr. Vann of that firm be released to provide legal counsel for the Birmingham Council on Human Relations. Neither Bob Hughes or I have received a carbon of such a letter, so I am assuming that it has not been sent.

Since this is a matter of some urgency, I do hope you can let me know at once where the matter stands and what we may expect. The Birmingham Council has been re-organized and has decided to meet monthly from now on, let the chips fall where they may. Of course, the group is not looking for trouble; on the contrary, it is carrying on normal program in the hope that no further molestation by the police authorities will occur. But, knowing Birmingham, anyone would understand that the possibility of police interference is very real. Therefore, it is of great importance to have a local lawyer whose

availability to the group is assured if the occasion arises.

I understand that Vann is favorably disposed and has discussed the matter informally with Arant, who also seems favorably disposed and is awaiting word from ACLU before making any decision on the matter.

It is a tribute to ACLU that its influence carries this weight, and I strongly hope that you will bring it to bear at once so that the matter of prospective legal counsel may be decided before an emergency situation is upon us.

There may be reasons why you feel this inadvisable. Or perhaps a letter has already gone forward to Arant that we know not of. If so, please let me know promptly and candidly. I shall be looking forward expectantly to a reply at your earliest convenience.

All good wishes.

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf

ACLU

Emory - You see my fine tactful hand. But I think they the wise guys

May 20, 1958

(Also Ken certainly good seeing you all Ken

COPY

To: Pat Malin & Rowland Watts

Re: Alabama group associated with the Southern Regional Council

This is a little out of Illinois but I thought I ought to report to you that apparently ACLU is coming in for a good bit of disenchantment on the part of some of those who should be our best and most useful friends in the south because of the above situation.

As the story comes to me, it has to do with our failure just simply to respond to letters re working out legal aid for the Alabama group which may be up against a real fight over a state law forbidding inter-racial meetings even if private. Since we - an affiliate with whom the National office has no need to be polite or too punctual - have never had this trouble, it seems to me incredible. But there it is.

In addition to the immediate situation, there is the great danger - one version put it - that we get written off as a serious source of help in the south. The south is a great grapevine and rumors spread and multiply real damage can be done.

So there you are.

Ken Douty

June 10, 1958

Mr. Rowland Watts
Staff Counsel
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Rowland:

This is belated thanks for your letter and memorandum concerning Interagency Cooperation on Legal Work in the South. The memorandum was presented at the last Southern Interagency Conference and it was agreed that we should explore further the ways of achieving the kind of coordination you describe. We also discussed the possibility of a short term project which would involve an intensive period of factfinding, consultation, and finally, the preparation of a guide for beleaguered individuals and groups. The thought was that a person with appropriate skills, probably a lawyer, might carry out such a temporary project under the sponsorship of one of the agencies concerned with legal aid.

Tartt Bell of the Southeastern Regional Office, American Friends Service Committee, is the chairman of the sub-committee charged with exploring these possibilities. I hope that he, as well as I, will have a chance soon to

cc to Tartt Bell along with ltr. from Rowland Watts and Memo.
dtd. 5/26/58

pursue these matters with you in more specific detail.

I was pleased to hear that Mr. Angell has discussed the Birmingham problem with Mr. Arant. I do hope that a favorable decision will result from this discussion and will look forward hopefully for further word from you.

Cordially,

Harold C. Fleming
Executive Director

HCF/mf

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May 26, 1958

Mr. Harold C. Fleming
Southern Regional Council, Inc.
63 Auburn Avenue, N.E. - Room 432
Atlanta 3, Georgia

Dear Harold:

I am sorry that neither Lou Joughin nor I will be able to attend the Southern Interagency Conference on May 27th and 28th. I ask that you consider the enclosed memorandum concerning the securing of legal assistance particularly in the legislative field. I had understood that the legal subcommittee would meet and give me an opportunity to present this proposal before the Interagency Conference meeting.

I have great hopes that the Birmingham situation will be resolved soon. Ernest Angell, our national director, has discussed the problem with Douglas Arant and he seems favorably disposed. Mr. Arant, however, has to take it up with his partners, and I will phone you if I get word in the next two days if the news is favorable.

Sincerely yours,

Rowland

Rowland Watts
Staff Counsel

Enc.

AMERICAN CIVIL LIBERTIES UNION
170 FIFTH AVENUE
NEW YORK 10, N. Y.

Memorandum

May 26, 1958

To: Southern Interagency Conference

From: Rowland Watts, staff counsel - American Civil Liberties Union

Re: Interagency Cooperation on Legal Work in the South

1. Litigation

All litigation that is likely to develop into a constitutional test should receive clearance and coordination by the agencies concerned through their national legal staffs. This is necessary to conserve efforts and to avoid possibly conflicting actions. The ACLU has undertaken to do this particularly with the NAACP in a number of cases and strongly urges that there be a regularized procedure for exchange of legal discussion on a national level.

2. Local Legal Consultation

The ACLU, while recognizing its Southern cooperating attorney service needs to be greatly strengthened, believes that this approach to the problem is the only feasible one at this time. If a continuing procedure for agency referral is developed, the ACLU will query its Southern attorneys as to availability for interagency referral and seek permission to add the attorney's name to a central list. In the meantime we will continue to refer individual cases to local attorneys where available.

3. Legislative Reporting and Research

It is believed that this program should be entirely independent of the litigative and legal consultation services even though some of the same attorneys may be involved. In discussing this problem with local attorneys in several of the key Southern capitols, it became apparent that having staff counsel available in Atlanta or any other Southern point offered slight, if any, improvement over having staff counsel available in New York. If funds become available for this program, the ACLU proposes that it be implemented as follows:

a. Employ an attorney (or possibly a qualified non-professional*) in each state capitol on a retainer basis during the session of the legislature; to keep a daily check of all bills introduced and forward copies of any that are of possible interest to the office of a cooperating agency (probably in New York).

b. Attorneys for the cooperating agency will promptly review such bills and consult with attorneys for other agencies if deemed necessary.

c. A list of all bills received will periodically be distributed to all agencies.

d. A copy of the significant bills together with a preliminary analysis without recommendation for action shall be sent to to all agencies.

e. The local attorney (or other reporter) in each state shall be advised of each bill determined to be potentially significant by an ad hoc committee of attorneys of at least three agencies; he will then have the responsibility to report promptly the progress of the bill and any other pertinent information incidentally acquired. He specifically will have no authority to take any action or make any representations on behalf of any agency unless specially retained by it.

f. Each agency will determine for itself what action, if any, to take locally on any specific bill - or, for that matter on any law.

g. If any of the significant bills are enacted into law, all cooperating agencies will be invited to participate in a conference to consider legal action to support or challenge such law but participation in this conference will not be binding as to action on any agency not so committing itself.

*The ACLU has raised with several of the women't organizations the possibility of their supplying this local reporting service as part of their program. If this could be worked out with assurance that the assignment would be responsibly fulfilled, it would greatly minimize the expense involved. We hope to have positive information on this possibility within the next several weeks.

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June 13, 1958

Mr. Harold C. Fleming
Executive Director
Southern Regional Council, Inc.
63 Auburn Avenue N.E.
Atlanta 3, Georgia

Dear Harold:

Many thanks for your letter of June 11 enclosing the UPI clipping from the Atlanta Journal charging that the Union has been cited as a Communist-front organization by the House Committee on Un-American Activities. Technically there was such a citation by the forerunner of the House Committee, the old Fish Committee, way back in 1931. However, certainly no such designation has been made by a federal agency since such time. I intend to bring that correction to the UPI quite forcefully.

I enclose a copy of my letter to UPI as well as a letter of correction to the Atlanta Journal.

Sincerely yours,

Alan

Alan Reitman
Assistant Director

enclosures

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June 13, 1958

Editor
Atlanta Journal
Atlanta, Georgia

Dear Sir:

Our attention has been drawn to your UPI dispatch from Baton Rouge, Louisiana of June 10 concerning the investigation of Louisiana State University faculty members who signed a petition opposing various segregation bills before the State Legislature. In referring to Professor Waldo F. McNier, who organized the petition, the UPI story states that he is an "officer of the American Civil Liberties Union, which has been cited as a Communist-front organization by the U.S. House Committee on Un-American Activities."

This statement is wholly inaccurate. To the contrary, on October 23, 1939, the then chairman of the House Committee, Cong. Martin Dies, flatly stated that there was no evidence that the ACLU aided the Communist cause. This example of irresponsible reporting adds to the existing confusion which links Communism and racial integration. The fact is that the LSU faculty members and the American Civil Liberties Union opposed these bills because of our belief that the American principle of equality for all, as proclaimed by the Supreme Court, should be accepted. Our action has nothing whatsoever to do with Communism or sympathy for the Communist cause.

Sincerely yours,

Patrick Murphy Malin
Executive Director

June 13, 1958

Mr. Earl Johnson, General News Manager
The United Press
International News Service
220 East 42 Street
New York, New York

Dear Mr. Johnson:

Our attention has been drawn to the UPI story from Baton Rouge, Louisiana of June 10 concerning the investigation of the Louisiana State University faculty members who signed a petition opposing a package of segregation bills before the State Legislature. I enclose the text of the UPI story which appeared in the June 10 Atlanta Journal.

You will note that one section of the story concerns a statement by Waldo F. McNier, associate English professor at LSU. After identifying McNier as an official of the American Civil Liberties Union, the UPI, apparently on its own authority, states that the ACLU "has been cited as a Communist-front organization by the U.S. House Committee on Un-American Activities."

I know that you and other members of the UPI staff know the total inaccuracy of this statement. The only such charge by a Congressional body was made far back in 1931 by the Fish Committee of the House of Representatives, which we promptly denied and generally this accusation has been regarded as having no foundation in fact. As you know, the Union's work has been lauded by such eminent Americans as Presidents Eisenhower and Truman and General MacArthur. Since 1931 no Congressional body or executive department has made any such statement concerning the ACLU. In fact, the charge of Communist support was flatly denied on October 23, 1939 by the then chairman of the House Committee on Un-American Activities, Cong. Martin Dies. I enclose the text of Cong. Dies' statement.

Undoubtedly this kind of inaccurate reporting not only harms the name of the Union in the South, but unfortunately confuses the issue of racial integration and Communism. The canard that persons favoring integration must be Communists is frequently expressed by opponents of integration and already has done much harm to efforts to advance race relations.

I trust that you will promptly inform the Baton Rouge UPI bureau and the reporter responsible for this statement so that there will be no future occurances of this kind.

Sincerely yours,

Alan Reitman
Assistant Director

enclosure

VIA AIR MAIL

June 11, 1958

Mr. Alan Reitman
Assistant Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Alan:

You have probably seen the United Press International story, enclosed as it ran in yesterday's Atlanta Journal. According to this version at least the UPI states flatly, apparently on its own authority, that the ACLU has been cited as subversive by the House Un-American Activities Committee. We thought this clipping might contribute to whatever action you might decide to take.

I hope I will see you at the Mass Media meeting next week.

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf
Enclosure - 1 (Atl. Journal article, "LSU Probing Faculty Action on Racial Bills" - 6/10/58)

June 26, 1958

Mr. Alan Reitman
Assistant Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Alan:

Thank you for posting me on the outcome of your correspondence with UPI. Earl Johnson's reply certainly speaks well for your relations with the Press.

In case you have not seen it, enclosed is a copy of your letter as published by the Atlanta Journal. It looks as though they edited it some, but not damagingly.

I am sorry I didn't see you at the Mass Media Committee meeting last week. We hatched some interesting plans which Harry Fleischman will no doubt pass on to you.

Cordially,

Harold C. Fleming
Executive Director

HCF/nf
Enclosure - 1 (Article from Atlanta Journal, dtd. 6/23/58, "Group Denies Any Tie-in With Reds.")

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June 23, 1958

Mr. Harold C. Fleming
Executive Director
Southern Regional Council, Inc.
Room 432, 63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Harold:

I thought you would like to have Earl Johnson's reply concerning the recent U.P.I. statement about the Union coming out of Baton Rouge and the LSU-segregation controversy. We certainly could not ask for better evidence of support from U.P.I., and I hope that the Baton Rouge correspondent will know better the next time around.

Many thanks again for bringing this matter to our attention.

Best wishes.

Cordially,

Alan

Alan Reitman
Assistant Director

JUN 1 7 1958

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GENERAL OFFICES
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EARL J. JOHNSON
VICE PRESIDENT
GENERAL NEWS MANAGER

June 16, 1958.

Dear Mr. Reitman,

Thank you for letting me know about the Baton Rouge story of June 10, which I had not seen previously. What a shame that you should have to send me assurances about the position of the ACLU! But obviously the facts need restating for our correspondent in Baton Rouge, and I am communicating at once with our Louisiana capital staff and with other U.P.I. bureaus in the area. You did not ask for a correction, but if we can find a way to make one that will get printed we shall do so. Needless to say, I am embarrassed by our error.

With best wishes,

Sincerely yours,

Earl J. Johnson

Mr. Alan Reitman
American Civil Liberties Union
170 Fifth Avenue
New York 10, N. Y.

EJJ:P

July 1, 1958

Mr. Jeffrey E. Fuller
Assistant Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Mr. Fuller:

Thanks so much for your thoughtfulness in putting me on the basic mailing list of ACLU. I see your materials from time to time, but it's good to know that I will now be certain to see them all.

Quid pro quo, I am adding your name to our complimentary mailing list for New South and other occasional materials.

You were a bit ahead of me at Harvard (I didn't get there until 1940), but this doesn't affect my hope that we will meet one day soon.

Cordially,

Harold C. Fleming
Executive Director

HCF/mf

Memo FROM THE DESK OF **MILDRED FLOWERS**

July 1, 1958

Bernice:

Please see that the following person is put on our complimentary mailing list to receive NEW SOUTH:

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American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

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June 25, 1958

Mr. Harold C. Fleming
Southern Regional Council
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear Mr. Fleming:

It came to my attention the other day that you have not been getting our material, and, in the thought that you will not object, we are placing you on our basic mailing list to receive Civil Liberties, our Annual Report, etc. -- and on our weekly bulletin mailing list.

I am also sending you, under separate cover, a collection of recent issues of Civil Liberties, our last few Annual Reports, and a batch of our pamphlets.

Sincerely yours,

Jeffrey E. Fuller

Jeffrey E. Fuller
Assistant Director

Also, I understand you were at Harvard in the late 1930s. I am a member of the Class of '38. I hope to catch up with you sometime. Keep up the good work!

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September 23, 1958

Mr. Harold C. Fleming
Southern Regional Council
63 Auburn Avenue, N.E.
Atlanta 3, Georgia

Dear Harold Fleming:

I should have acknowledged before this yours of August 22 with your interim report which I read with interest. When you get to New York another time I'd like to see you. There are many matters not covered by a report on which I should like to be enlightened.

Sincerely yours,

Roger N. Baldwin

Roger N. Baldwin

September 24, 1958

American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Gentlemen:

Please send me one (1) copy of the ACLU statements on labor unions civil rights question, "A Labor Union Bill of Rights," etc. This is your pamphlet #17.

I am a contributing member.

Thanks.

Sincerely,

Frederick B. Routh
Assistant Director

FBR:ls

November 3, 1958

Miss Louise C. Floyd
Administrative Assistant
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Miss Floyd:

Thanks for your letter of October 31st with the list of our state officers to whom you plan to send the ACLU's Annual Report. I am sending you an up-to-date list and am also returning the old one since you have several marks on it.

All good regards.

Sincerely,

Frederick B. Routh
Assistant Director

FBR:ls
Enclosure - 2 (Lists of cooperating state organizations)

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October 31, 1958

Mr. Frederick B. Routh
Assistant Director
Southern Regional Council, Inc.
63 Auburn Avenue, N. E. - Room 432
Atlanta 3, Georgia

Dear Mr. Routh:

We are now preparing envelopes for mailing our annual report, which will be ready for mailing early in December. I am enclosing the list that you sent to us last year and would appreciate your returning it to me with any corrections or additions.

Sincerely yours,

Louise C. Floyd

Louise C. Floyd
Administrative Assistant

enc.

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PAPER CO. INC.

December 4, 1958

Mr. John K. Jessup
Life Magazine
9 Rockefeller Plaza
New York 20, New York

Dear Jack:

I am following up on my telephone conversation of Tuesday concerning the suggested article about the efforts of clergymen in the South to create an atmosphere favorable to acceptance to the Supreme Court decision on desegregation. The enclosed statement came from Harold Fleming, executive director of the Southern Regional Council. The Council's headquarters are in Atlanta and I am sure they can provide further details if this is needed. If there is anything more that we can do to help, please let me know. Many thanks again for considering our suggestion.

Cordially yours,

Alan Reitman
Assistant Director

ccs: Harold C. Fleming
Harry Fleischman

12/4/58

SUMMARY OF ACTION TAKEN BY SOUTHERN CLERGYMEN

ON DESEGREGATION PROBLEM

1) In addition to the two "Ministers' Manifestoes" issued in Atlanta, similar statements have been made by the clergy in Richmond (Va.), Houston (Tex.), Gainesville (Ga.), and several other cities. The minister of Virginia forthrightly opposed "Massive resistance" at the outset.

2) A group of Protestant clergymen in Mobile publicly supported Negro ministers who asked for voluntary desegregation of buses.

3) Several ministers of Little Rock have courageously championed desegregation; several of them accompanied the Negro children to school in the first troubled days of Sept. 1957. The Rev. Colbert S. Cartwright, pastor, Pulaski Heights Christian Church, has been one of the most vocal of this group.

4) The Rev. Robert McNeil (Presbyterian) of Columbus, Ga., made a statement of conscience on the segregation issue in Look a year or two ago. He has been under attack since, but recently the Presbytery of S. W. Ga. upheld him and gave him power to administer the affairs of the church without dependence on the Session.

5) A number of ministers have lost their pulpits rather than be silent or hypocritical on racial questions. We can document some of these cases.

6) There is the well known case of the Rev. Mr. Turner, Baptist, of Clinton, Tenn., who escorted the Negro students to the high school and whose resulting beating turned the tide of public sentiment there.

7) Bishop Randolph Claiborne, Episcopal of Atlanta, has several times spoken out sharply against segregationist pressures and tactics. So have Episcopal bishops elsewhere.

8) There are comparable examples of forthright leadership by Catholic clergymen - Bishop Waters of N. C., Archbishop Rummel of New Orleans and others who have desegregated facilities under their control.

9) Ministers individually have given disproportionate leadership to liberal organized efforts. Most of the executives and many of the lay leaders of the state councils on human relations are ministers, most of them younger men. Ministers have also taken leadership in the new movements to preserve public schools, as in Norfolk. This is an old story in SRC.

Of course the picture is far from uniformly rosy. Many ministers have suffered retaliation for their words and deeds. Many, many more have been silent, inert, even reactionary. But, as a class, the clergymen have been a liberal force exceeding in numbers that of any other professional group. And the indications are that their leadership will steadily increase.

December 5, 1958

Mr. Harry Fleischman
American Jewish Committee
386 Fourth Avenue
New York, New York

Dear Harry:

From the enclosed, it looks as if we have not hit pay dirt but at least we stirred up some interest on our story suggestion. It certainly cannot hurt to have our additional pressure and as I think I told you John Oakes, the editorial writer, also said he would mention to Catledge that the idea is a good one.

Cordially yours,

Alan Reitman
Assistant Director

cc: Harold Fleming

The New York Times
Times Square

DEC 5 1958

December 4, 1958

Dear Mr. Reitman:

This is to express our appreciation for the trouble you took to send me the suggestion in your letter of December 3 -- namely, a survey or series on the situation of students not attending school as a result of the desegregation ruling.

We will, of course, keep your suggestion in mind. In fact, it already had occurred to us, but we thought it was perhaps a little too early for such a round-up. We hope to get to it later and, in the meantime, will continue to follow the story on a spot-news basis.

Again, thanking you for your interest and suggestion, I am

Sincerely yours,

Turner Catledge
Turner Catledge
Managing Editor

Mr. Alan Reitman
Assistant Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

JAN 28 1959

THE PRESIDENT'S COMMITTEE
ON
GOVERNMENT EMPLOYMENT POLICY
WASHINGTON 25, D. C.

January 27, 1959

Mr. Alan Reitman
Assistant Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Mr. Reitman:

A copy of my letter of January 13 to Pat Malin is enclosed, as you requested.

In writing Pat of my reactions, I was of course writing on a purely personal level in the light of my long acquaintance with him, and I certainly had no desire to make a "cause celebre" of the matters on which I commented. If this were the case I would have referred them to our Chairman for his official comments. I simply felt that from my own personal viewpoint the situation was not quite as bad as it was reported to be, although as I said, it is distressing enough to cause a good deal of worry and concern in view of my own deep and abiding desire to find solutions to some very difficult problems.

Should you be in Washington in the near future, it would be a privilege to have an opportunity to talk with you about the problem as I see it. On the other hand, I occasionally get to New York on business; perhaps we could meet on one of these occasions.

Very sincerely yours,

Ross Clinchy

Ross Clinchy
Executive Director

JAN 28 1959

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THE PRESIDENT'S COMMITTEE
ON
GOVERNMENT EMPLOYMENT POLICY

WASHINGTON 25, D. C.

January 13, 1959

Mr. Patrick Murphy Malin
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Pat,

I have read with interest the copy of your 38th Annual Report which was so kindly sent to me. I find in it much to give encouragement in the eternal struggle with which we are concerned. It is a valuable and helpful piece of information, and I thank you for it.

I was interested, of course, in the assessment of the work of this Committee on page 64. It is firm in its criticism, which is always helpful. My only comment is that I wish there had not been so much reliance on the criticisms by the NAACP for this assessment; I simply do not think this organization is entirely correct in its evaluation of our problem.

The initial gains in Negro Federal employment were made during the war years, and much of this was in the temporary war agencies. Despite fears that this employment would drop after the war, it apparently did not, but instead increased. For example, Negro employment in the Washington agencies was about 19% in 1944. A 1956 survey showed it to be about 24%. I would not regard this as "Progress virtually ended," as the NAACP states.

I do not quarrel with the basic criticism that the picture in the South is dismaying. It is not good. But I do disagree with the position that Negroes are not employed above the menial job classifications in that area. While for a number of reasons the South is behind the rest of the nation in white-collar Negro employment in the government, it is not at all difficult to point to a large number of Federal installations in the deep South, other than the post offices, where Negroes are not only employed in non-menial jobs but are also supervising white employees.

As far as our own work is concerned, I think we are doing more than the Report indicates. Under the terms of the Executive Order by which we operate, we do not have "police" authority; this belongs

to the agencies. Our job is to supplement this authority in as many ways as possible, and I think we have made satisfactory progress on this. As almost all professionals will agree, employment discrimination is not ended by administrative fiat, albeit that without it discrimination cannot be ended. The basic problem for us is the development of those techniques which will eliminate the "road blocks" of the fears, uncertainties and stereotypes which prevent an unwavering adherence to the policy when appointing officers exercise the freedom of choice which civil service regulations afford them.

I write all of this from the point of view of my deep respect for integrity of the ACLU and my long admiration and regard for its Director. It seems impossible that twenty years have passed since you clarified the complexities of foreign exchange for a very green college freshman, but counting on my fingers tells me this is so.

With all good wishes for continued success in your work,

Cordially yours,

Ross Clinchy
Executive Director

2/2/59

TO: PMM

FROM: AR

RE: Ross Clinchy comment on Annual Report

Clinchy has criticised, albeit gently, the section of the annual report concerning the Committees on Government Contracts and Government Employment Policy. His letter is attached; the original was lost in the office, hence his second copy and letter to me.

As we have made no independent study of the two committees and the one group that did is the NAACP, I relied on the NAACP's labor secretary, Herbert Hill, as the major source for comment on the committees. In checking with Hill this morning, he affirmed my view that Clinchy's statement about the increase of Negro employment in Washington deals with a special situation and does not reflect the national picture we were discussing. With respect to the employment of Negroes in other than menial jobs, Hill says this statement was based on an exhaustive study of the problem he and the Southern Regional Council representative made. He suggests that we challenge Clinchy for specific information as to places where Negroes are supervising white employees. As for Clinchy's third point, this is a matter of interpretation as to how far the Presidential Committee can go. It is difficult to track down examples of non-vigorous action, but Hill and the NAACP feel that a more liberal interpretation of the Committee's power would mean more employment of Negroes by government agencies. Note that we did not make any statement in the report about the problem of "interpretati of powers," confining ourselves to comment that the Committee is making no real progress in Southern communities.

I would be glad to talk with Clinchy about this, but as you will be in Washington this week and you are his "old teacher," I thought you might want to talk with him personally.

February 6, 1959

Mr. Ross Olinsky
Executive Director
The President's Committee on
Government Employment Policy
Washington 25, D.C.

Dear Mr. Olinsky:

Thank you for your letter of January 27 and the second copy of your January 13 letter to Pat Malin. He has read your comment and asked me to express his appreciation for your remarks.

After re-reading your January 13 letter it seems to me that three separate questions are raised about our comment in the Annual Report:

1. The gains made in Negro federal employment. You cite the increase in the Washington agencies as evidence to disprove the statement we made, but I wonder whether the Washington scene reflects the national picture. We very much would like to have specific information from you on this point.

2. The question of whether Negroes are employed above the menial job classification by government agencies in the South. I understand that the NAACP report on the subject was made after an exhaustive study conducted not only by the NAACP, but the Southern Regional Council. Here too we would very much like to have specific information on the statement you made.

3. The authority of the Committee under the Executive Order raises the usual question of interpretation of assigned power. While we did not discuss this particular idea in the report, I think it is true that more vigorous application of the powers given to the Committee would advance Negro employment.

I trust that our remarks will not be regarded as a defense against your comment, which we are very glad to receive, but as an effort to further elucidate an admittedly complicated problem. As the editor of the Report I am particularly aware of the need of accurate information, and for this reason I hope that you will reply to the specific requests made above.

I appreciate your invitation to talk with you in person about this when I am next in Washington and I certainly will call you.

Sincerely yours,

Alan Reitman
Assistant Director

THE PRESIDENT'S COMMITTEE
ON
GOVERNMENT EMPLOYMENT POLICY
WASHINGTON 25, D. C.

February 20, 1959

Mr. Alan Reitman
Assistant Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Mr. Reitman:

I hope you will pardon my delay in replying to your letter of February 6, requesting further information on the comments I had made previously. Our Committee came in for its monthly meeting shortly afterward, and I needed to dig into our files to pull together the information requested by you.

I sincerely appreciated your comment that your own remarks should not be regarded as a defense against my comments, but rather as an attempt to throw more light on a complicated problem. I would have it no other way; certainly what I said was not intended as an "attack" on your report, for I have too much respect for Pat Malin, the report and the ACLU to take such an approach, and as I said I have no quarrel with the basic statement that the Southern situation is dismaying.

I would like to cover the points you outlined by taking them one by one:

1. With regard to the gains made in Negro federal employment. Facts on this question are few and far between, but I can give you those on which I based my judgment.

In 1945, the First Report of the old Fair Employment Practices Commission stated that as of March 1944, Negro employment in the Washington agencies was 19.2% of the total, and Negro employment in the field service was 12%.

In 1956, we had a survey made of Negro federal employment in five cities--Washington, Chicago, Los Angeles, St. Louis, and Mobile, Alabama. Washington came up with a Negro employment figure of about 24% the other four cities ranged from Mobile with about 16%

to Chicago with about 28%. While those four cities do not by any means represent the total field service, they do involve four strategic centers, and all were above the 12% of 1944. I would be very much surprised if other urban areas not surveyed would bring the overall average down to 12%. If some other organization has made a nation-wide survey which shows this to be true, then I am wrong.

2. My second statement to the effect that there are a number of Federal establishments in the South with white-collar Negro employees was made on the basis of the impression I have gained from reviewing the investigations of complaints made under our policy since 1956. I went back to these files, and listed the situations where such investigations indicated such employment. Here are some of the examples we know of:

Virginia - In Norfolk and Portsmouth, the Navy has Negro typists, clerks, and engineers. At Langley Air Force Base the Air Force has Negro clerks, and had a Negro supervisor of stock records as early as 1956. The Norfolk Naval Air Station has calculating machine operators and clerks; the Naval Supply Center has Negro storekeepers supervising whites. The Army at Fort Lee, Fort Eustis, and Fort Monroe has dental assistants, typists, and training aide specialists. The Veterans Administration in Richmond has doctors, nurses, and clerks.

North Carolina - The Internal Revenue has high-grade revenue agents in Greensboro, Durham, and Winston-Salem. The Farmers Home Administration has Negro assistant county supervisors.

South Carolina - The Navy in Charleston has Negro machinists.

Georgia - The Agricultural Marketing Service in Augusta had a Negro clerk, and in Savannah has Negro biological aides. The Internal Revenue has a supervisory supply clerk in Atlanta. Robins Air Force Base at Macon has Negro typists and Negro mechanics supervising whites. The Veterans Administration Hospital at Atlanta has white-collar employees. The Army at Fort Gordon has a Negro training officer and clerks. Fort McPherson in Atlanta has some Negro typists.

Florida - The Jacksonville Naval Air Station has typists, clerks, and skilled wage-board workers. (These I have seen for myself). The Naval Air Station at Pensacola employs skilled sheetmetal workers.

Louisiana - In New Orleans, the Navy employs clerks and typists; the Army's Gulf Transportation Command has clerks. The Air Force in Shreveport has card-punch operators.

Mississippi - The Naval Construction Battalion Center at Gulfport has Negro mechanics.

Alabama - Brookley Field at Mobile has a wide range of white-collar Negro workers. Maxwell Field at Montgomery has white-collar Negroes. The Army's Fort Rucker has Negro flight instructors.

Tennessee - The Memphis Air Force Depot has Negro clerks, as does the Naval Air Station at Memphis. Mallory Air Force Base in Memphis had 31 Negro supervisors in 1956, as well as clerks. TVA at Knoxville has Negroes in a wide range of white-collar jobs, from professionals to clerks.

I have several comments on this information. First, it is based only on situations where complaints have been made; some of this information goes back to 1956, and it is quite possible that there have been some changes either for better or for worse. My main point is, however, that there are probably a good many other such situations where progress has been made, but on which we have no knowledge because no investigations have been made.

Secondly, I am well aware of the fact that these situations, no matter how many, still represent somewhat of a token employment of Negroes in terms of the total number of agencies. I certainly do not cite this information to prove that all is well in the South. I cite it only to indicate that some break-throughs have been made.

My own estimate of the situation is this--that in the Army, Navy, Air Force, Veterans Administration and Post Office in the South, considerable progress is being made. These agencies combined cover at least two-thirds of the total civilian employment in the South. What remains are a large number of smaller offices usually

located in downtown office buildings. It is in these smaller offices that our problem is most acute, and where breaking the white-collar line has been most difficult. Our objective in the South, therefore, would seem to be two-fold: first, to maintain and expand the initial break-throughs in the big employers mentioned above, and secondly, to obtain break-throughs in the smaller offices.

3. I don't think there is much point in going into a detailed discussion on the interpretation of assigned power. Much of this depends upon such factors as budget, personalities, and an overall judgment of the realities of the situation. But I would certainly concede that we must continue to search for ways and means to expand our influence and authority. To remain static and to refuse to try new ideas because of a rigid interpretation of our authority would be a fatal position to adopt. If we ever get together, this is one topic I'd like to explore with you.

This has been an uncommonly long letter, and I appreciate your patience. I doubt if I've proven much, except to explain why we believe there is some reason for feeling more optimistic about the Southern problem than your Report indicates. At the same time, we are well aware of the tremendous job that remains to be done. We intend to do the best we can to improve the situation.

Sincerely yours,

Ross Clinchy

Ross Clinchy
Executive Director

February 27, 1959

Mr. Herbert Hill, Labor Secretary
National Association for the Advancement
of Colored People
20 West 40 Street
New York, New York

Dear Herb:

Remember our discussion a few weeks ago concerning the answer from Ross Clinchy of The President's Committee on Government Employment Policy regarding our statement in the annual report on the failure of his group to make sufficient progress eliminating discrimination against Negroes. As we worked out our reply, I wrote him asking that he substantiate the contentions he made. I enclose a copy of his reply, which is most interesting reading. Note on Pages 2 and 3 that he includes among white-collar workers Negro mechanics and sheet metal workers.

I would like to have your reaction to this letter, particularly on the factual accuracy point. I would appreciate your keeping the information between the two of us for the time being. Thank you again for all your help.

Best wishes.

Cordially,

Alan Reitman
Assistant Director

May 5, 1959

Mr. Alan Reitman
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Alan:

Your exchange of letters with Ross Clinchy is most interesting.

The material to which Herb Hill evidently has referred was collected last summer by a knowledgeable person in each of several Southern cities firsthand. SRC didn't actually do any fact-finding, and we lay no claim to authority on this subject. Our role was to line up people in places like Atlanta and Charlotte who were closely familiar with the government employment picture. We did this for Bill Peters, who was preparing an article for LOOK on the subject. The LOOK piece never ran, but Bill has summarized the information rather fully in his just-published book, The Southern Temper.

I suggest that you get hold of the book and cite it to Mr. Clinchy as authority for the discriminatory practices which ACLU, properly, has deplored.

I'll be interested in any further developments you may have a chance to share.

Cordially,

Harold C. Fleming
Executive Director

HCF/mf

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April 23, 1959

RECEIVED APR 27 1959

Mr. Harold C. Fleming, Executive Director,
Southern Regional Council,
63 Auburn Avenue N. E.,
Atlanta 3, Georgia

Dear Harold:

The comment in our last annual report concerning the President's Committee on Government Employment Policy has stirred slightly Ross Clinchy, the executive director of the agency. As we did not make any independent study of the President's Committee, I relied chiefly for information on its work on Herb Hill, the NAACP labor secretary. Herb told me that the NAACP material was collected in collaboration with the Council.

There are a number of factual points in the correspondence between Clinchy and myself, on which I don't have up-to-date data. As Herb has left the country for several months on a U. N. mission, I wonder if you or one of your associates who worked with him on this could comment on the points raised by Clinchy. I would appreciate whatever help you could give us on this.

Best wishes.

Cordially,

Alan

Alan Reitman
Assistant Director

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ANALYSIS

OF PART I

OF THE REPORT OF THE

JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE L.S.U.

Presented at the Annual Meeting

of the

Louisiana Civil Liberties Union

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1. BACKGROUND OF THE REPORT

This pamphlet is in answer to Part I of a report issued July 2, 1958 by the Special Joint Legislative Committee to Investigate Louisiana State University, under the chairmanship of Senator William Rainach. The report is highly critical of the American Civil Liberties Union (ACLU), of which the Louisiana Civil Liberties Union (LCLU) is an affiliate. Our purpose in making this analytical reply is to show, in detail and in sum, that the committee's charges against the ACLU are wholly without foundation or substance.

We had hoped to base this comment on the complete report of the committee, because Part I states: "The next portion of this report will complete the study of the A.C.L.U." (page 7). To the best of our knowledge, the announced second part has not been issued. Nor, in fact, did we receive a copy of Part I from the committee, but rather from one of our "spies" in the state capitol. The failure to make its accusations available to the accused organization was quite in line, however, with the committee's failure to request or secure any information whatever from the accused organization while preparing its attack on the ACLU.

To see the report in proper perspective, it is necessary to review the events leading up to the creation of the Special Joint Legislative Committee to Investigate LSU. What follows in this section, therefore, is a chronological summary of the civil liberties controversy which rocked Louisiana and drew nation-wide attention in the summer of 1958.

In the spring of 1958, when it became apparent that a number of bills were going to be introduced in the Louisiana legislature providing for the closing of any public school ordered by a court to admit a Negro pupil, the board of

the LCLU voted to circulate to members and non-members alike a statement protesting the closing of public schools and the stopping of public education as a last-ditch measure to avoid desegregation. The statement pointed out that the proposed laws would wreck the public school system, cause irreparable damage to the children -- white children -- of the state, have disastrous economic consequences, and be ineffective in maintaining segregated schools. Signatures were solicited. The statement was circulated for a limited time on a limited scale, and the response to the request for signatures -- about 600 citizens signed -- was surprisingly large in proportion to the small number of petitions circulated.

On June 1, 1958 the petition was presented to Senator William Rainach, chairman of the Joint Legislative Committee on Segregation. On June 9, at the public hearing before the House Committee on Education on the eight bills authorizing the closing of any public school ordered to desegregate, a number of people spoke against the plan, including George A. Dreyfous, president, and Waldo F. McNeir, vice-president of the LCLU. Mr. Dreyfous is a prominent New Orleans attorney, senior member of the firm of Dreyfous and Kalinski. Dr. McNeir is Professor of English at LSU. Both are Southerners. The LCLU had made no attempt to organize the opposition. Also appearing to speak against the bills, although not a member of the ACLU, was Charles A. Reynard, Professor of Law at LSU.

Reaction to this opposition was violent. Committee members implied that opponents of the bills had connections with the Communist Party. The committee was dismayed to learn that according to their count 59 members of the LSU faculty had signed the LCLU petition, a figure later corrected for them and raised to 66. Immediately following the hearing, the House of Representatives unanimously

passed a resolution summoning President Troy H. Middleton of LSU and all the LSU college deans to appear before a special session of the House on June 11 to answer charges that some faculty members were dispensing anti-segregationist views in their classes. "Rep. John Garrett, House segregation leader, said the petition was prepared and submitted by the Louisiana branch of the American Civil Liberties Union, which he said 'spends most of its time defending Communists in various trials and the rest working for integration in Louisiana and the South.' He said 1957 hearings conducted by the segregationist committee 'proved that Communism and integration are inseparable and that integration is the Southern expression of the Communist movement. We have been talking about the situation at our University for two years,' he said, 'but it couldn't be brought to light until these gentlemen (LSU professors) appeared at the committee this afternoon'." (Baton Rouge Morning Advocate, June 10, 1958)

The LSU Alumni Council quickly issued a statement calling on "district presidents, alumni and friends of the University to appear at the open hearing called ... by the House of Representatives to investigate LSU and its faculty, in order that the good name of LSU and its reputation for independent expression of its faculty members might be defended, notwithstanding the official view of the University, its Board of Supervisors and Administrators."

Vice-chairman of the Alumni Council Theo Cangelosi, who has since become chairman of the Board of Supervisors of LSU, warned that the House action presented a serious threat to the University, and called attention to the University's record in regard to segregation. "He pointed out that LSU has been in federal court opposing integration for many years. 'But,' he added, 'this is a matter of academic freedom and the right of self expression. No matter how I disagree with the faculty members, and I do disagree with them, they have the right in this democracy to express their own opinion'." (Baton Rouge State-Times, June 10, 1958)

On June 10 the legislators scaled down the investigation of the University, naming a new ten-member Joint Legislative Committee to Investigate LSU. This was the way, as the aftermath of an impulse toward massive retaliation, that the committee with which we are concerned came into being. At the same time, Rep. Lester Vetter said he would demand a similar investigation of "un-American activities" or staff associations with Communist-front organizations at the nine state colleges. W. M. Shaw, counsel of the new committee as well as of the Joint Legislative Committee on Segregation, was quoted as saying the committee "has known for several years about the situation at LSU, but did not want to break it for fear that the people of Louisiana had not been sufficiently educated to the danger. It was broken for us when two faculty members appeared before the House committee. We know that the LSU administration has attempted to clean up much of this situation, but have found their hands are tied because of the cry of academic freedom raised by the radical professors whenever one of their number was exposed. Now that the Legislature has made public ... just how bad this situation is, we can be assured the Legislature will now be met with cries of 'White Chauvinism,' 'destroyers of academic freedom' and 'enemies of the people.' That is a song familiar to anyone who has studied the Aesopian language of Communism." (Baton Rouge Morning Advocate, June 11, 1958)

At the special committee hearing held in a packed House chamber on June 11, President Middleton declared "LSU's faculty does not include instructors with communistic tendencies preaching integration to their classes." He reviewed the University's policy of opposing the admission of Negro students until all legal means of doing so have been exhausted, and pointed out that while Negroes are enrolled in the Graduate School, efforts to block their enrollment in the undergraduate divisions have been successful. Concerning the 66 faculty members who signed the LCLU petition and the two professors

who appeared before the House committee, "Middleton said LSU is pledged to the principle of academic freedom which also includes the right of a faculty member to exercise his rights as a citizen in speaking and writing." (Baton Rouge Morning Advocate, June 12, 1958) He added, "I am informed that five or six faculty members who signed the petition are members of the American Civil Liberties Union. I caused an investigation because I was told it was a Communist-front organization, and the information I received was that neither the attorney general nor the un-American Activities Committee listed it as such." (Baton Rouge State-Times, June 12, 1958) Several times his testimony was interrupted by outbursts of applause from the spectators, causing visible pain to committee counsel Shaw, who questioned President Middleton closely as to the University's hiring and firing policies.

After five deans had followed President Middleton, agreeing to distribute the committee's questionnaire to the 66 faculty members and return them to the investigating body, committee counsel Shaw took the microphone to say "the thing that enraged members of the House was not that faculty members appeared but the manner in which the opposition was directed by the president of the Louisiana Civil Liberties Union." He said the investigation would continue and predicted it would "expose the group or clique which is not only affecting our children but has been causing the state a lot of trouble for a long time." He went on to say "the American Civil Liberties Union was originally founded by American Germans to keep the United States out of World War I. One of its first purposes, he said, was 'to defend draft dodgers and anarchists.' The Louisiana branch, he said, was formed on the same date the Senate Internal Security Committee held hearings in New Orleans two years ago." (Baton Rouge Morning Advocate, June 12, 1958)

This falsification concerning the origins of the ACLU was repeated in the committee report, and will be dealt with later.

The day after the appearance of the LSU officials, the LCLU issued the following statement to the New Orleans and Baton Rouge newspapers:

> The American Civil Liberties Union has a long and distinguished history of acting as an effective force in helping to preserve our fundamental rights.
>
> Any group that has the courage to stand up for the simple basic freedoms guaranteed by the Bill of Rights and the Constitution has learned to expect the sort of attack now raging in Baton Rouge against the Louisiana Civil Liberties Union.
>
> These attacks, however, should shock every thinking citizen into a reappraisal of the meaning of democracy and bring awareness of how far we have progressed along the road to intolerance.
>
> By preparing and helping to circulate a petition, the LCLU was simply exercising the inalienable right to express an opinion. Attempts to suppress the exercise of this right are clearly contrary to the spirit of America.
>
> Let no one be fooled by the reckless charge of communism and subversion.
>
> Anyone so inclined can discover, as did President Middleton of LSU, that the ACLU is not on the attorney general's list of subversive organizations, but on the contrary is composed of indivuduals with a deep concern for our American heritage, and with the courage to stand up for their convictions.

On June 14 Ernest Angell, chairman of the board of the ACLU, and Patrick Murphy Malin, executive director, sent the following telegram to Senator Rainach:

> We have just received text of statement made concerning American Civil Liberties Union during questioning of President Middleton of LSU by your committee. Respectfully request opportunity to appear personally before your committee next Wednesday, Thursday or Friday in order to make reply and answer questions.

They received no answer to their request. Senator Rainach announced to the press that his committee was busy evaluating replies to the questionnaire sent to the 66 LSU faculty members inquiring into their views on segregation

and their membership in the LCLU, the ACLU, the Communist Party, and the NAACP. "As far as I am concerned," he said, "the record of the ACLU is very clear," and he doubted that any useful purpose would be served by receiving testimony from the two ACLU officials. (Baton Rouge State-Times, June 14, 1958)

Amid alarums and excursions, in an atmosphere charged with tension and apprehension, the faculty members who had dared to express their opposition to closing the public schools awaited the next move in the investigation. The committee was said to be preparing to summon all signers of the petition, and some of those without tenure naturally became jittery. President Middleton's firm support of continued segregation had been widely reported in the nation's press, but out-of-state newspapers generally failed to emphasize, or did not even mention, his admirable and unflinching stand for academic freedom, which was unfortunate; see, for example, the New York Times, "Louisiana State U. President Firm for Segregation," June 12, 1958. His statement that no member of the LSU faculty was "teaching integration" was mistakenly interpreted in some quarters to mean the opposite of academic freedom, and this was made the basis of a sharp attack on the University and its president in an editorial in the June 15, 1958 issue of the Boston Sunday Herald. Robert Wagner, staff correspondent for the New Orleans Times-Picayune, expressed the thought of many people on the immediate scene in a dispatch headlined "Probe of LSU Delicate Chore." He wrote:

> The segregation committee to date has been markedly restrained in questioning those who have appeared before them. They are attempting to conduct the probe in a respectable manner.
>
> The fact remains it is an investigation, and--in view of accusations made--they are under pressure to produce something substantial, which would have validity even to the disinterested observer.

> Somehow they must show, if it is possible, that the integrationist views of some professors are linked to a subversive movement. Innuendo alone will have a hollow ring. It is common knowledge that not every integrationist is a Communist.

So that no one would be in doubt as to where they stood, the Citizens Council of Greater Baton Rouge asserted in an advertisement in the Baton Rouge Morning Advocate headed "Why Should We Employ Them?" that no teachers should be tolerated at LSU who did not "reflect, in their beliefs and in their actions, the desires of the majority of the citizens of Louisiana." The same philosophy was emphasized in a more inflammatory advertisement in the same newspaper, "Things We're Sick And Tired Of!" which said: "We're tired of having many of our so-called educators use the term 'academic freedom' as a sanctuary from which they can spew forth doctrines antagonistic to our American heritage and to our Southern traditions. We do not believe a man can teach Americanism in the daytime and Socialism at night."

Yet it is pleasant to record that during this trying period the "guilty" faculty members, including those who belong to the ACLU, received only one or two threatening telephone calls and anonymous "get-out-of-Louisiana" letters — modern equivalent of the old "why-don't-you-go-back-to-Russia?" gag — and no crosses were burned in their front yards. They felt that the right people were on their side. Few of them had any real fear that the University authorities could be bullied. Prof. McNeir received nearly a hundred commendatory telephone calls, letters, and telegrams from all parts of the country. Moreover, it was encouraging that a panel of eight Baton Rouge attorneys volunteered to represent the faculty members if their services were needed.

Signs were not lacking that responsible elements in the state were reacting unfavorably to the intimidating tactics of the segregationists. On June 18, Rev. D. W. Poole, Baton Rouge district supervisor of the Methodist Church,

made known a resolution unanimously adopted by the annual conference composed of 300 ministers and 300 laymen representing 115,000 members of the Methodist Church in Louisiana. The resolution said "this Annual Conference is opposed to any measure or measures which would tend to weaken or destroy our free, democratic public educational system." Rev. Poole in an accompanying statement defended the LSU faculty, saying: "What a shame it is that it seems when one really believes in our great heritage of freedom and really believes in the highest that has come to us from our judeo-Christian background, he seems to be a target of humiliation rather than regarded as a citizen of the very highest order to whom we owe so very much." He called on the legislature to "show us some sane steps forward in the new day in which we live rather than fighting for that which is doomed for utter failure." (Baton Rouge Morning Advocate, June 18, 1958)

The Baton Rouge newspapers editorialized that care and discretion must be exercised by the legislature in its investigation of the state university. The editorial appearing in the Morning Advocate on June 18, called "The Education-Integration Uproar," was well reasoned and rather courageous:

> In order to keep the current integration-education uproar in proper perspective, all of us need to keep these points in mind:
>
> 1. The petition signed by 66 members of the Louisiana State University faculty--and, incidentally, by a number of other persons in higher education in Louisiana--did not oppose segregation. It opposed the particular pieces of legislation being advanced by segregation leaders. Even if it should be admitted that there is no room for differences of opinion on the subject of segregation, which itself would be a grave decision in a free country, surely there still would be room for differences of opinion on the means by which segregation best can be maintained.
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> 2. The fact that a number of educators have signed a petition opposing specific pieces of legislation designed to maintain segregation does not mean that integration is being "preached" at LSU or at any other school.
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> 3. The United States Attorney General and the House Un-American Activities Committee do not list the American Civil Liberties Union as

a communist or communist-front organization. Others may think differently, as is their privilege, but those two are the most authoritative sources on such things and little has missed their notice.

4. To get right down to brass tacks, it is one thing to believe in integration and another to preach it or teach it. As already has been pointed out by the Shreveport Times, which is hardly an integrationist sheet, a university should have the right to tell a good physics professor, for example, to believe what he will personally, but in the classroom to stick to his specialty.

5. The American way is the way of discussion without rancor, of debate without intimidation, of differences without hatred, of disagreement without intolerance, and we are sure that everyone involved in the current controversy shares our hope that it always will remain so.

6. Because it is the Louisiana State University, LSU has been a center of attention in the integration controversy. That has been the case in every state where the problem exists. The University administration has cooperated 100 per cent with the state laws and with law enforcement officials, sometimes when others did not exhibit equal interest.

If evidence can be produced--real evidence, not just allegations or personal opinions--that any faculty member in any Louisiana university, college or high school is a communist, is teaching communism, or is preaching integration, then he or she will have to go. The college or school administrators will be the first to say so. But until that is found to be the case, tolerance and discretion must prevail.

The same day on which this editorial appeared the Senate Committee on Education held a dramatic, three-hour hearing on the school-closing bills. Favoring the bills, which they helped to draft, were representatives of the Louisiana Teachers Association, Louisiana Classroom Teachers Association, and United School Committee. Opposing the bills was an impressive procession of two Jewish rabbis, a professor of philosophy at the New Orleans Baptist Theological Seminary, a Negro attorney, a Baptist minister, two Methodist ministers, and two Church of Christ ministers. George A. Dreyfous, president of the LCLU -- he did not "direct the opposition," at either this or the earlier hearing -- and Dr. William L. Kolb, secretary of the LCLU and Professor of Sociology at Tulane University, also opposed the bills. The LCLU speakers found some good features in the proposed pupil assignment law, although one section was called

"manifestly unconstitutional." This opposition was shrugged aside as the Senate committee "quickly okayed plans to shut down Louisiana's public schools to avoid racial integration." (Baton Rouge Morning Advocate, June 19, 1958)

On June 26 an excellent signed article by Martha Wilson was published in the Baton Rouge State-Times, reviewing the history of the ACLU and its non-partisan defense of civil liberties. That night ACLU executive director Patrick Murphy Malin arrived and made the first address of his three-day visit to the firing line in Louisiana. As reported in the ACLU's Feature Press Service:

> The Women's Clubhouse, first site of the Baton Rouge meeting, withdrew its facilities and local ACLU officials turned down the local hotel hall because the hotel would not allow Negroes to use the regular elevator facilities. The meeting was finally held in the local hall of the American Friends Service Committee. Similar trouble arose in New Orleans when Loyola University of the South backed down on its auditorium with the frank statement that the subject matter and the ACLU were "just too controversial." Malin's address was shifted to the Tulane University campus where Dixon Hall was rented on a regular commercial basis. The Tulane faculty had come to the aid of the LSU faculty with a strong statement upholding academic freedom and the right of freedom of opinion.
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> Press reaction was excellent to the Malin talks, in which he explained the ACLU's single-standard defense of civil liberties and denied the specific charges leveled at the organization. He vigorously described the ACLU's support of integration. (Weekly Bulletin #1957, July 14, 1958, pp. 1-2)

As this report points out, the reaction of press, radio, and television to Malin's talks in Louisiana was excellent, as was that of the general public, but not so the reaction of the Joint Legislative Committee to Investigate LSU.

After several weeks of nervous tension for all concerned, during which time, so far as we know, no member of the faculty was called before the Joint Legislative Committee to Investigate LSU, the committee on July 2 issued Part I of its report. To our mingled relief and consternation, it consisted entirely of a renewed attack on the ACLU. Thus the great majority of the faculty members who had signed the petition were apparently spared. What happened to

the threats that petition signers would be grilled? What use was made of the questionnaires they had filled out for the investigating committee? What about all the "volunteer" evidence Senator Rainach reported from time to time his committee was gathering -- from unspecified sources -- and "carefully checking"? No explanation has yet been offered as to why the committee report took the form in which it appeared. Indeed, no sensible explanation seems possible.

The LCLU, however, is not willing to let this malicious attack on the highly respected organization with which it is affiliated pass unchallenged and unrefuted. We shall therefore analyze and comment on each section of the report. The section headings are those that occur in the report itself, as indicated by the quotation marks.

2. "INTRODUCTION"

On page 1 the committee describes its mandate from the legislature as directing it "to conduct an investigation into the educational and social activities at Louisiana State University."

We will simply call attention to the fact that nowhere in the report is there any evidence that such an investigation was made.

The report then says the legislature "had become alarmed over the possibility that the University was being used as a base of operations by individuals and organizations whose purposes and aims were hostile to the official policies of the State of Louisiana and inimical to the welfare of the United States" because (1) two members of the LSU faculty, one of them vice-president of the LCLU, spoke before the House Committee on Education in opposition to the school-closing bills; and (2) a petition sponsored by the LCLU and presented to the legislature contained the names of 66 LSU faculty members "in addition to the names of numerous individuals associated with racial and subversive organizations operating in this State."

On the basis of this statement, it is clear that the "alarm" was out of proportion to its cause. What that "alarm" led to before the issuance of the present report has been sketched in the first section of this memorandum. Nowhere in the report, as we shall show, is any evidence presented that LSU is "being used as a base of operations" by anybody or any organization for any purpose whatever, whether "hostile" to Louisiana or "inimical" to the United States or not. The phrase "base of operations," with its military connotation, is a symptom of alarmism in itself. The language of the Introduction, we note, is high-sounding but empty.

Mention is made above in the same passage of "numerous individuals." They are never particularized. And what "racial and subversive organizations" they may be associated with is not brought out in the body of the report, for it deals only with the ACLU.

"This was the first time," the Introduction goes on to say in the same style, "that it had been brought forcibly to the attention of the Legislature that an organization with an unsavory and notorious reputation in the field of subversion, was operating freely and, apparently, effectively on the campus of the State's highest educational institution." Whether the report succeeds in fitting this description to the ACLU can be left to the judgment of fair-minded readers of the analysis which follows. Meanwhile, to appease our Tulane friends, perhaps "tax supported" should be inserted after the word "highest" in the above characterization of LSU.

"The task assigned to this Committee was to study the influence of this, and similar organizations, on the students, faculty, and officials of the University...." We can flatly say that no such study of the influence of the ACLU was made preliminary to the issuing of the present report.

Still on page 1, the committee refers to itself as "a fact-finding body." Let us turn now to an examination of the facts which the committee found, where it found them, and how it interpreted them.

3. "ORIGINS OF THE ACLU"

On pages 2-3 the report dredges into the derivation of the AELU forty years ago from two predecessor organizations, both of which are alleged to have been sinister. Should a man's ancestors count more than his own character and accomplishments? Not that the ancestry of the ACLU is other than honorable, but such concentration on its earlier history -- distorted and misinterpreted -- seems to reverse the commonsense approach to appraising its present nature and its work.

The most authoritative source of information on the forerunners of the ACLU is the historical analysis completed in 1955 by Prof. Barton Bean, of Lake Erie College, entitled "Pressure for Freedom--the American Civil Liberties Union," a doctoral dissertation done at Cornell University. The committee did not consult this exhaustive and scholarly work. Prof. Bean shows the ACLU as Cromwell insisted on being painted, "warts and all!" But he describes its beginnings, we submit, in an historical context that refutes the allegations contained in the committee report. The facts are as follows.

The first parent of the ACLU was the American Union Against Militarism, the last of several names borne by an organization founded in the fall of 1914 by a group of social workers and liberals that included, among others, Jane Addams, of Hull House fame; Paul Kellog, editor of The Survey; and Lillian Wald, pioneer in public health and founder of the Henry Street Settlement. The directing committee included such distinguished citizens as David Starr Jordan, president of Stanford University; Norman Thomas, later to be "the" Socialist candidate for President; and Oswald Garrison Villard, the great dissenter of American journalism. Some consider the American Union Against

Militarism the most effective of the militant peace organizations of that period. Its members must have helped re-elect Woodrow Wilson in 1916, when he campaigned on the slogan "He Kept Us Out of War."

The formation of a National Civil Liberties Bureau as an offshoot of the AUAM occurred in the fall of 1917. Guiding force behind this split was Roger N. Baldwin, who realized that the numerous violations of free speech, assembly, press, and conscience immediately after America's entry into the war could best be handled by an independent agency. Under Mr. Baldwin's direction, in a period of unparalleled war hysteria, the Bureau achieved some success in improving the lot of individual conscientious objectors by applying pressure for recognition of the constitutional rights of unpopular minorities. As stated at the time, its aims were "to help maintain the rights of free speech and free press, and the Anglo-Saxon tradition of liberty of conscience, through liberal provisions for conscientious objectors. This work has been backed both by pro-war liberals and so-called pacifists. It is not anti-war in any sense." To put it mildly, the climate of opinion made these principles unpropitious. With the hasty passage of the espionage and sedition laws of 1917 and 1918, all opposition of this kind, and especially to the draft act, began to be suppressed.

In September, 1918 the Department of Justice, suspecting that the Bureau was obstructing the war by encouraging conscientious objectors, seized its files and papers under a search warrant, even though the organization was willing to deliver them without one. They were studied and returned, and no charge was ever pressed. There is therefore no foundation for the statement in the committee report that the Bureau "devoted the greater portion of its energies to encouraging draft-dodgers and to assisting radical movements in

obstructing the war effort" (page 3). The Bureau was not further molested and continued its activities.

It was expected that the work of the Bureau would end after the war. Instead, continued violations of civil rights following incidents of the great strikes of 1919 and the repression of labor caused by the success of the Russian Revolution made evident the need for continuation. The Bureau was expanded in 1920 into a national organization with committee members drawn from all over the country. Mr. Baldwin assumed the direction of the newly expanded organization, which was renamed the American Civil Liberties Union.

Such, in brief, are our antecedents. Apparently ignorant of this "round unvarnished tale" recounted in Prof. Bean's "Pressure for Freedom—the American Civil Liberties Union" (pages 1-6), the committee had recourse to and relied on what it calls "the extensive investigation of a New York State Legislative Committee, under the direction of the Hon. Clayton Lusk, of the New York State Legislature" (page 3). Let us take a look at this committee and its credibility.

The Joint Legislative Committee to Investigate Seditious Activities (the Lusk Committee) was appointed in March, 1919 and produced a report, published in four volumes in 1920, entitled "Revolutionary Radicalism, its History, Purpose and Tactics, with an exposition and discussion of the steps being taken and requiredto curb it." This forty-year-old report still serves as a gold mine of gospel for those who subscribe to the view that history is static rather than dynamic. Its editor was Archibald E. Stevenson, a New York attorney and counsel to the committee, who specialized in construing freedom of speech when applied to radicals as "subversive," and in uncovering revolutionary conspiracies based upon the theory of interlocking directorates.

The "Hon." Clayton Lusk, Republican leader in the New York Senate and chairman of the committee which took his name, was discredited in 1921 when he was unable to explain satisfactorily his connection with the $27,000 slush fund raised by the New York detectives to push through the legislature a bill he sponsored to give them increased pay and permanent tenure. Senator Lusk was denounced by the press. The New Republic said: "No reader of the New York press can fail to note the universal satisfaction at the dramatic conclusion of Senator Lusk's career, owing to his misguided acceptance of presents from the detectives whose services he so amply employed" — in gathering evidence used in the Lusk Report.

The New York World in an editorial titled "Presents for Senator Lusk" (July 20, 1921) commented :

> Nobody will believe that Senator Lusk's interest in the bill providing permanent tenure in office and increased salary for the detectives can be accounted for by two boxes of cigars, a basket of flowers, a leather billfold, a set of silverware presented to his wife, and a trip to Coney Island for his daughter.... The same man who sees Bolshevism in every utterance of free opinion, who has sponsored a report describing the state as honeycombed with revolutionary tendencies ... might be expected to lend his support to bomb squads and detectives, no matter what they are asking for.

The Rt. Rev. Msgr. John A. Ryan, director of the National Catholic Welfare Conference, in a letter to the Nation (July 27, 1921) characterized the Lusk Report as dishonest:

> The excellent review of the Lusk-Stevenson Report in the Nation for July 13th stresses two important features of that amazing production. The first is misrepresentation of persons whose views are displeasing to the authors of the report; the second is the device of stigmatizing as "socialistic" or at least revolutionary, every worthwhile proposal for industrial reform.

Msgr. Ryan then went on to call attention to the fact that the report committed both of these faults in its treatment of the attitude of the Catholic Church.

When Governor Alfred E. Smith of New York campaigned for re-election in

1922, he promised repeal of two of the laws championed by the Lusk Committee. They were repealed. In signing the repeal bills (May 23, 1923), he said:

> I am affixing my signature to the two acts which have for their purpose the repeal of the so-called Lusk laws. I am satisfied that they should not remain upon the statute books of this state, because they are repugnant to the fundamentals of American democracy.
>
> Under the laws repealed, teachers, in order to exercise their honorable calling, were in effect compelled to hold opinions as to governmental matters deemed by a state officer consistent with loyalty; and, further, no private school could be maintained in this state unless its teachings were similarly satisfactory to certain officials of the state. Freedom of opinion and freedom of speech were by these laws unduly shackled, and an unjust discrimination was made against the members of a great profession.
>
> In signing these bills, I firmly believe that I am vindicating the principle that, within the limits of the penal law, every citizen may speak and teach what he believes.

Governor Smith had previously vetoed one of the bills sponsored by the Lusk Committee setting up a system of "spies and secret police," saying:

> The safety of this government and its institutions rests upon the reasoned and devoted loyalty of its people. It does not need for its defense a system of intellectual tyranny which in the endeavor to choke error by force, must of necessity crush truth as well.

The merits of the Lusk Committee's findings on the ACLU are no higher, in our opinion, than the integrity of the source. Concerning the ACLU, the Lusk Report said:

> The action of these Federal and State officials has been loudly condemned by organized groups of liberals who, by reason of their access to the public prints, have created a widespread sentiment in favor of free speech, so-called. At the present time these advocates of free speech have consolidated their energies in an organization known as the American Civil Liberties Union....
>
> The American Civil Liberties Union, in the last analysis, is a supporter of all subversive movements, and its propaganda is detrimental to the interests of the State. It attempts not only to protect crime but to encourage attacks upon our institutions in every form. Many of the members of its committee are undoubtedly sincere in their convictions, but the consequences of their activity are injurious to the public interest.

(Part I, Vol. II, pages 1979-1982)

This statement has been repeated more than once down through the years, usually without any evaluation of its source, by those who have attempted to discredit the ACLU. The first two sentences of the second paragraph — the most damaging ones if taken out of context, be it noted — are quoted in the report of the Joint Legislative Committee to Investigate LSU.

What the Lusk Report reveals is the honest confusion in the minds of many people at that time in viewing the work of the ACLU as a civil liberties organization, a confusion which resulted from mistakenly equating its defense of an individual's right with support of the opinion he expresses. There is no longer any excuse for that confusion. The ACLU, at its founding and ever since, has consistently and impartially defended civil liberties for everybody, not only those with whose opinions it agrees but also those with whose opinions it disagrees. To say a murderer is entitled to a fair trial does not show approval of murder. To say the advocacy of overthrow of the government should be tolerated does not mean approval of any act intended to overthrow the government. This is a basic distinction which must be insisted on, because it concerns the very existence of the civil liberties guaranteed in the Bill of Rights. If civil liberties are to be secure for anybody they must be allowed for everybody. Associating the ACLU with the beliefs, associations, and character of the persons or organizations whose civil liberties it defends is to display a lack of understanding of the nature of freedom and its indivisibility. This was the central error of the Lusk Report, an error perpetuated in the committee report under discussion here.

It bears repeating that while the ACLU certainly does not repudiate the actions of its predecessors or the policies formulated by the founders of those organizations, it has existed independently now for forty years as a significant

part of the national scene, and it has a history of its own. Research into the pre-ACLU past, especially when motivated by a desire to discredit the ACLU, serves no more useful purpose than would "accusing" the present-day Unitarian Church of being derived from the doctrines of Arius.

4. "SOME INFLUENTIAL PERSONALITIES IN THE A.C.L.U."

On pages 3-5 the report, still citing as its only authority the Lusk Report, that ancient and ignominious weapon of modern witch-hunters, tries to show that some of the people associated with the ACLU at the outset were subversive. It begins by saying (page 3):

> The claim of the descendants of the NATIONAL CIVIL LIBERTIES BUREAU to be American patriots is sharply at variance with its record of official activity. The first literature ever to be distributed by the NATIONAL CIVIL LIBERTIES BUREAU was "a reprint of the detailed peace terms recently proposed by the Russian Council of Workmen's and Soldiers' Delegates." (Lusk Comm. Rpt. Vol. I, p. 1084). Thus, the NATIONAL CIVIL LIBERTIES BUREAU, in announcing its establishment, on November 1, 1917, celebrated the occasion by distributing the propaganda of Lenin's Bolshevik followers.

Prof. Bean in his "Pressure for Freedom--the American Civil Liberties Union" (page 6) interprets this event somewhat more judiciously. He explains that given the background of World War I, it is understandable, although it undoubtedly reflected too narrow a view, that the group which formed the NCLB should see their aim to protect freedom almost entirely in terms of service to labor's rights. He adds concerning the formation of the ACLU a short time later:

> The formal reorganization [of the NCLB] took place at the end of December, 1919, and while largely following Roger Baldwin's proposals [with emphasis on defense of labor's rights] shifted the emphasis more toward the later neutralism. Of the 64 people making up the combined National and Executive Committees of the 1920 ACLU, only 12 were active labor leaders; 15 could be called partisans of labor; and 37 fall into the group of "conservatives" and "liberals."

It is necessary to remember that this was long before labor began its advance to its present position of strength. Many liberals of that period were actively interested in the cause of international labor, including the rights of the Russian workers who were even then being freed, as it seemed, from Czarist tyranny. Many thoughtful people did not foresee the betrayal of

the Russian workers by the very movement which promised to liberate them. Most of those who now condemn the liberals of the period of the Russian Revolution, who made an honest mistake about the shape of things to come, are able to do so only by taking full advantage of historical hindsight, which is disingenuous to say the least. Anyone at all familiar with the course of modern history knows that world attitudes toward the Soviet Union throughout its existence have fluctuated widely, not only in the period when the Soviet state was being founded, but also in the more recent period during and since World War II.

The report next hits Roger Baldwin below the belt, calling him a draft dodger: "Baldwin, himself, the founder of the NATIONAL CIVIL LIBERTIES BUREAU, is an ex-convict, having been sentenced to prison for violating the Selective Service Act while his country was at war" (page 4). The facts are misrepresented. Mr. Baldwin refused military service in World War I because of conscientious objection, which is far different from evading the draft. It is true that he went to jail because of his principles, but that was more than forty years ago and he has long since redeemed himself, as any man should be given a chance to do. While he still maintains his objection to the use of violence, he did not oppose World War II, recognizing that in that conflict the United States was directly attacked. The position of the ACLU in World War II was certainly not anti-war; its reports during that period repeatedly state that infringements of civil liberties stemming from the war were not great — there were no mass jailings and sweeping prosecutions, as in World War I — chiefly because the last great war had the country's full support. This is not to say, of course, that the Union was not aware of and did not oppose repressive action against persons of Japanese ancestry in a number of western states.

The report also accuses Mr. Baldwin of having had many years ago a "high regard for the atheistic Soviet state" (page 4). It does not say that he was ever a Communist, for such a falsehood would be too easily refuted. In a statement dated December 21, 1951, after his retirement as director of the ACLU, Mr. Baldwin gave a direct and honest account of his political views and associations in relation to civil liberties. Because it has historical value and is at the same time a moving human document, we give the full text of this statement:

1. Throughout my life I have had two major concerns—the attack on poverty and the expansion of liberty. Sometimes the answers to poverty ran into conflict with the expansion of liberty, and I have at those points, as with the application of pacifist principles, accepted what appeared to be at the time the lesser evil. That resulted in the appearance of compromise and contradiction; but consistency does not appear possible either in theory or practice in dealing with such vast problems. I never claimed more than a relative consistency.

2. In relation to Russia and Communism, I held up to the Nazi-Soviet pact of 1939 a dual position; I opposed repression and supported what I believed were economic institutions calculated to mitigate poverty. Thus I published in 1924 a book, Letters from Russian Prisoners, attacking repression; and in 1929 a book, Liberty under the Soviets, also attacking repression but giving it a place secondary to the hope of progress through economic reconstruction which would not only minimize poverty but create the basis for ultimately free democratic institutions. It was this somewhat romantic belief (as hindsight shows) which was expressed in an article in 1934 in Soviet Russia Today, and in one or two other statements.

The purges of 1936 shook my beliefs, and though still nursing hopes I expressed no views favorable to the Soviet Union thereafter.

During this entire period, from 1924 to 1939, I was chairman of an American organization known as the International Committee for Political Prisoners, which had no Communists or fellow-travelers in its membership, and which attacked repression in Russia equally with other countries. That represented my "other side" and my consistent adherence to civil liberties regardless of my attitude to the economic systems involved. Eugene Lyons' book on The Red Decade (1930 to 1940) names all the well-known Communists and fellow-travelers, but he does not place me among them. He refers to me only as "not easily classified." His is presumably the authoritative book on that period.

3. When the Nazi-Soviet pact was announced in 1939, I was shocked into a complete reversal of every hope and belief I had about

Russia and the Communists. I had taken part in many united fronts in the 1920's and 1930's, along with hundreds of other liberals, believing the Communists to be genuine supporters of progressive movements, whatever apologies they offered for the Russian dictatorship. I resigned at once from the leading united front, the League for Peace and Democracy--the only one with which I was then connected--and did so publicly. My previous connections with united fronts had not been happy; I was expelled from the League Against Imperialism in 1932 for supporting Gandhi in India, whom the Communists were opposing, and I was one of the leaders in the North American Committee for Spanish Democracy who in 1938 forced the Communists out when they attempted to control the organization. They then formed the Joint Anti-Fascict Refugee Committee.

4. In September 1939 when the war against Finland by Russia started, I presided at the first mass meeting called to protest the Russian invasion and to aid the Finns. This was held in Manhattan Center, and received wide publicity. After Russia was invaded [by Germany in 1941] and so many movements were organized with official blessings to aid the ally, I took no part, and neither then nor since the war have regarded Russia as anything but another nationalistic dictatorship opposed to freedom and without any claim to the economic progress of her early promise.

5. When the betrayal of all democracy by the Communists became apparent after the Pact, I organized the movement in the Civil Liberties Union which resulted in the adoption of the resolution of 1940 against the participation of any totalitarians in the Union's councils, and in the well-publicized expulsion of the only Communist Party member of the Board (she had joined the Party long after being a member) and in the forced withdrawal of several fellow-travelers.

6. The Communists then formed their own civil liberties agency and attacked the Union and me personally. I have been anathema ever since in the Communist press and circles. My anti-Communist position has been well-known ever since and evidenced in:

a. Public speeches and radio appearances on Town Hall.

b. Numerous articles (see contribution to volume entitled Whose Revolution? published in 1941 by Howell Soskin & Co., edited by C. Dewitt Talmadge; New Republic article, "Liberty in Russia," 1943; This Week article, 1948; and others).

c. Membership in well-known anti-Communist agencies such as the Union for Democratic Action (later the A.D.A.), the International Rescue Committee, the American Committee for Cultural Freedom (which invited me to Berlin in 1950 to take part in an anti-Soviet congress).

7. When I was invited by General MacArthur's command to visit Japan in 1947 and again by General Clay to visit Germany in 1948,

and again by the State Department to Germany in 1950, it can be assumed that the intelligence agencies of the government cleared me. No invitations to such critical areas were extended without clearance.

8. One does not need to repudiate errors of judgment by specific disavowals. Judgments change with circumstances, and the evidence of their change is to be found in one's activities, connections, and affirmations. It is quite evident that I miscalculated the character and tendencies of both Russia and Communism, but equally evident that my opposition to them, as to all other forms of dictatorship, has been expressed all along from the 1920's with qualifications, and since 1939 without qualifications.

/s/ Roger N. Baldwin

Not to feel the sincerity of this man is to condemn oneself; not to admire his frankness is impossible. His statement reveals him to be an idealist with high principles, great integrity of character, a probing intelligence, moral courage, and independent judgment. A non-conformist, yes one of a kind the democratic institutions of this country have occasionally been able to produce to its everlasting credit. Nothing in Mr. Baldwin's career suggests even remotely that, as the committee report alleges, he is "seeking to destroy the country which affords him protection," that his is an "alien philosophy," or that he has "cloaked himself in Constitutional immunity so that he can work, unhampered, toward the destruction of that Constitution by perverting it to the point of uselessness and meaninglessness" (page 4). The viciousness of these charges is exceeded only by their absurdity.

Moreover, the views which Mr. Baldwin personally held in the mid-1930's were not held even then by more than a few of his ACLU colleagues. They are not held now, in any class-struggle "orientation," by any member of any ACLU governing body or staff, including the officers and directors of the LCLU. If they were so held, by however small or weak a minority, the national Board of Directors and the National Committee would not be able to list in

their membership, for example, Republican corporation lawyers, authors, newspaper editors, scholars and educators, clergymen, members of all religious faiths, presidents of both a Negro university and a prominent woman's college, scientists, a Catholic magazine editor, business executives, and leading members of the editorial staffs of Fortune, Redbook, Scientific American, Life, and Reader's Digest; nor would the chairman of the National Committee be E. B. MacNaughton, Chairman of the Board of the First National Bank of Portland, Oregon.

Mr. Baldwin's devotion to the American concept of democratic liberties has been demonstrated by deeds both at home and abroad. His world-wide recognition as "Mr. Civil Liberties" was acknowledged by invitations extended by General Douglas MacArthur and General Lucius Clay to advise on civil liberties problems in Japan and Germany after World War II. His modest reference to this in paragraph 7 of his statement does not point out that his reports and counsel were highly praised by both Generals. General MacArthur said on December 30, 1949:

> Roger Baldwin's crusade for civil liberties has had a profound and beneficial influence upon the course of American progress. With countless individuals finding protection in the nobility of the cause he has long espoused, he stands out as one of the architects of our cherished American way of life.

General Clay said on November 27, 1949:

> At my request he visited Germany to investigate our progress in this field and to give us his recommendations as to further steps we might take. His objectivity, sincerity of purpose, and ability to separate the wheat from the chaff, made his visit of exceptional value to both Military Government and to the Germans. I am sure that within a short time he did much to instill his faith and beliefs in German minds.
>
> While doing so, he helped all of us who had associated with him, just as through the years he has helped our country to a better understanding of tolerance and the dignity of man. We shall miss his constructive influence.

The committee report has this to say, finally, concerning Mr. Baldwin's connection with the ACLU (page 4):

> The present-day AMERICAN CIVIL LIBERTIES UNION is nothing more than the old NATIONAL CIVIL LIBERTIES BUREAU under a different name. Roger N. Baldwin is still very much a part of the current set-up, and enjoys membership not only on the National Committee of the AMERICAN CIVIL LIBERTIES UNION, but is also a member of its National Executive Staff. Indeed, his is the most honored name in this devious organization — the "Roger N. Baldwin Foundation," the "A.C.L.U.-Roger N. Baldwin Escrow Account," Roger N. Baldwin Awards and other such encomiums are witness to this fact. (See "37th Annual Report of the American Civil Liberties Union July 1, 1956 to June 30, 1957.")

Since his retirment as director of the ACLU in 1950, Mr. Baldwin has devoted all of his time to work in international civil liberties, and as an adviser in this field he holds a part-time position on the national executive staff. He is also a consultant at the United Nations. As reported in "The Past is Prologue," 38th Annual Report of the ACLU, July 1, 1957 to June 30, 1958 (page 99): "In view of the 1958 anniversary celebration of the Universal Declaration of Human Rights, Roger Baldwin, as a consultant at the United Nations in that field, was elected chairman of the Conference of Non-Governmental Organizations, comprising some 400 international and national agencies accredited by the UN Department of Public Information." Indeed, his is an honored name, not only in the ACLU. The "Roger N. Baldwin Foundation" mentioned in the committee report is a fabrication. The funds of the Roger N. Baldwin-ACLU Escrow Account, which was established in 1956, come from the Maxine Hilson Estate, a bequest received by the ACLU in 1946, and are used to pay Mr. Baldwin's part-time salary of $3600 a year. The account, with net worth of approximately $37,000, is administered by the Fiduciary Trust Company, of 1 Wall Street. The activity of the account is regularly reported in the ACLU's annual reports.

In what way, then, is the ACLU a "devious organization," as the committee report claims? All its actions have always been above-board. The members, and all others who are interested, have the fullest opportunity to know exactly what the governing bodies and staffs are doing. The ACLU issues a detailed annual report of operations which includes full information as to its income and an audited financial statement, a monthly bulletin for its members, a weekly Feature Press Service, frequent specific releases for editors and reporters, briefs and other statements for courts and legislative and executive agencies, as well as topical publications for anyone who may want them. In addition, it also deposits all its working files, after they are three years old, with the New York Public Library (for microfilming) and with the Princeton University Library (for permanent holding of the material itself), where they are open to inspection, as are its current working files in its own office at 170 Fifth Avenue. It is proper that such an organization should be required to satisfy the stern obligation of sincerity every hour of its existence. The ACLU tries to do so, and is open for the people to see and judge. Their growing approval is reflected in the fact that the ACLU's membership has more than quadrupled in the last eight or nine years.

The committee report makes further reference to Communist influence in the ACLU, saying (page 4):

> The first National Committee [in 1920] of the AMERICAN CIVIL LIBERTIES UNION had in its composition numerous persons who have been identified with the growth of radicalism and socialism in this country, and even more who have supported the spread of Communism in the United States by their affiliations with Communist-Front movements. At least three of the original National Committeemen of the AMERICAN CIVIL LIBERTIES UNION rose to prominence in the United States.

The "numerous persons" are not named, nor are the "even more" numerous persons hinted at. Such loose language defeats itself. But there is something

concrete in the "three ... original National Committeemen" who "rose to prominence in the United States." They are named (pages 4-5) as William Z. Foster, Elizabeth Gurley Flynn, and Louis Budenz. Aside from any question of the fame or ill-fame of these three persons, we can show that their respective connections with the ACLU ended 29, 19, and 25 years ago.

1. William Z. Foster joined the ACLU before he became a Communist. He resigned from the National Committee in 1930 in protest because the Union denounced the bail-jumping of the defendants in the Gastonia, N. C. murder trial, and declined to authorize further bail for members of the Communist Party. He announced his resignation in a lengthy and vituperative letter published in the November 1, 1930 issue of the Daily Worker, in which he said, in part (a very small part), that the ACLU had "become a tool in the hands of Norman Thomas and his party of apologizers for Capitalism." Obviously, it was high time for the mixed-up Mr. Foster to end his association with such uncongenial companions. No tears were shed at his departure.

2. Elizabeth Gurley Flynn was removed from the Board of Directors in 1940, following a resolution which held it "inappropriate for any person to serve on the governing committees of the Union or on its staff, who is a member of any political organization which supports totalitarian dictatorship in any country, or who by his public declarations indicates his support of such a principle." She had been a member of the ACLU for a long time before she joined the Communist Party, and she was at the time of her expulsion the only Communist member of the board; see paragraph 5 of Mr. Baldwin's statement quoted above. The resolution which led to her ousting met with strongly worded approval of newspapers in editorial comment throughout the country, with the only dissenting voices those of the Daily Worker and the New Masses. Since

then the ACLU has been heartily damned by the Communist press at every opportunity.

3. The statement that Louis Budenz was an original member of the ACLU National Committee is incorrect. He never held such a position. He was, however, a paid staff member some time during the early 1920's. Old-timers in the Union can remember no more about him; it is certain that he never had any important or continuing influence in the national councils.

We have shown that the "influential personalities in the ACLU" mentioned in the committee report, with the implication that a multitidinous and heinous crew will be paraded in review, boil down to four. One of these is a great American liberal, now advanced in years, honored in his own country and abroad, whom the Union is proud to acknowledge. The other three are persons whose association with the Union ended many years ago. The most influential personalities in the Union today are the highly respected men and women from every walk of life who make up its national staff, Board of Directors, and National Committee.

5. "RESULTS OF OTHER INVESTIGATIONS OF THE A.C.L.U."

The committee evidently sets great store by this section of its report. We will therefore analyze it with special care.

1. On page 5 the report quotes from a series of articles prepared by the United Mine Workers of America 35 years ago. No special incidents are related in the quotation, which made the startling accusation that the ACLU was active among the "intellectuals" of the country — "egghead" as a term of reproach was to come later. But times change, and the UMW attitude has changed since 1924. In the 1930's when the CIO was organizing industrial workers, the sins of the Union did not prevent John L. Lewis from accepting its aid in fighting unfair injunctions which impeded labor's right to organize. Nor did he offer any objection to ACLU's assistance in 1953 when it asked the Department of Justice to investigate complaints that UMW organizers in Kentucky were beaten up by police. In recent years ACLU officials have been in frequent contact with AFL and CIO officials on matters of common interest, and several of the labor bodies make financial contributions to the ACLU. This fact, however, has not prevented the Union from pressing for what it considers needed reforms in the American trade union movement, such as democratic elections and, in a few unions, an end to racketeering and gangsterism.

2. Untiring in the repetition of old charges misrepresenting the ACLU's attitude and record, the report quotes (page 5) from the report of the Special Committee to Investigate Communist Activities in the United States, popularly known as the Fish Committee, made on January 17, 1931:

> The American Civil Liberties Union is closely affiliated with the Communist movement in the United States and fully 90 percent of its efforts are on behalf of Communists who have come into conflict with the law.

We consider this statement wholly false and biased. It was the view of one witness, a Lt. Col. Leroy F. Smith, editor of the bi-weekly bulletin of something called the Better America Federation, of Los Angeles, California. The unreliability of the Fish Committee's report was pointed out by leading American newspapers at the time it was issued.

The Union's statistics show that even in recent years, despite the national emphasis on security and loyalty matters, only about one-third — not 90 per cent — of the ACLU's cases have concerned civil liberties problems in that area, and by no means all of those cases have involved proven Communists. Any suggestion that the Union is a partisan of the left and that its work is largely confined to a defense of radicals is not in accord with the facts. History and the temper of the times determine those whose civil liberties are under attack; the ACLU's sole function is to defend the civil liberties guaranteed under the Bill of Rights — and state constitutions such as that of Louisiana — whenever those rights are violated. The Union's work is created for it by those who violate the civil rights of one minority or another. Forty years ago it was the IWW whom the defenders of civil liberties were called upon mainly to protect; a little later it was the Communists. In the 1930's it was the civil liberties of labor unions around which the central issues revolved, and the Union actively defended their rights. In the 1940's and since, many labor unions have abused the rights of individual workers, and the Union's focus in labor affairs has properly shifted to defending individual labor union members against abuses of liberty. In the 1950's the McCarthy-like tactics of some Congressional investigating committees have occasionally ignored the principle and the spirit of fair trial, and the Union has been vigilant to protest. More recently, the civil rights of American Negroes in many parts of the

country, and particularly in connection with the segregation-desegregation controversy in the South, have had the Union's full support -- and will continue to have it. At various times in its history the ACLU has applied its single standard of civil liberties to public defense, under varying circumstances, of the Ku Klux Klan, the Liberty League, the Hearst press, the Jones and Laughlin Steel Corporation, Henry Ford, the German-American Nazis, and even the Hon. Hamilton Fish -- may he rest in peace -- whose committee's report is being rebutted here.

In answering the Fish Committee's charge, the Union has repeatedly referred to the report of the House Un-American Activities Committee, published in 1939, in which the chairman, Rep. Martin Dies, flatly said the ACLU was not a Communist organization. This was after a thorough investigation of all the evidence concerning the ACLU's history up to that time. In addition, the House Un-American Activities Committee "Guide to Subversive Organizations and Publications," published on March 3, 1951, makes no reference to the ACLU. And, of course, the Union is not on the Attorney General's comprehensive list of hundreds of subversive organizations. Why, then, does this threadbare charge keep coming up? Perhaps, as Disraeli said, "We all of us live too much in a circle." And it may be, as he also said, "Little things affect little minds."

3. In reply to the 25-year-old characterization of the ACLU by Naval Intelligence authorities, which appears on pages 5-6 of the report, we wish to say that Acting Secretary of the Navy Thomas S. Gates, Jr. informed the ACLU in a letter dated December 15, 1955 that any question of an individual's loyalty based on membership in the Union does not represent the official view of the Navy Department. A similar view, that "the Department of the Army does not consider the American Civil Liberties Union to be 'Communist-dominated',"

was expressed in a letter dated May 23, 1955 by Brigadier General Henry O. Paxson, Deputy Chief of Staff of Army Intelligence. A letter of November 3, 1953 from H. Chapman Rose, Assistant Secretary of the Treasury, called the ACLU "a bona fide patriotic organization."

The Union has received commendations from President Dwight D. Eisenhower for "working so effectively for justice and equality"; from Ex-President Harry S. Truman for its effort to see that "inherent constitutional privileges be granted to every person, citizen or alien, with no thought of race, color, or creed"; from Thomas E. Dewey for its "enviable record" and for being "an essential part of American life." Leading newspapers have frequently praised the ACLU for its work and what it stands for, among many others, the New York Times, Washington Post, New Orleans Item, Pittsburgh Post-Gazette, San Francisco Chronicle, Atlanta Constitution, Chicago Tribune, Christian Science Monitor, Denver Post, Des Moines Register, Durham Morning Herald, Minneapolis Tribune, St. Louis Post-Dispatch, Louisville Times, and Toledo Blade. The Union's annual reports have become the subject of favorable editorial comment in newspapers and magazines across the country. A typical statement which we appreciate, especially the second paragraph, is this editorial which appeared in the April 21, 1956 issue of the San Francisco Examiner:

> The American Civil Liberties Union exists to uphold constitutional rights. Whenever it believes they are being violated or whittled away, it seeks to intervene and test the matter in court. At all times, it is concerned with the rights of the individual, not the individual himself.
>
> You may sometimes disagree, as we do, with the ACLU's choice of cases or its interpretations of the Bill of Rights and other constitutional guarantees. But this is an area where disagreement and dissent have gone on throughout the life of our Nation; if agreement were universal, no ACLU would be needed.
>
> The ACLU is worthy of the support of all freedom loving citizens in its ... defense of American liberties.

4. Appearing next on page 6 of the report is a characterization of the ACLU in 1938 by a Special Commission of the Massachusetts Legislature as a "Communist-controlled" organization linked to the International Labor Defense and the Garland Fund (American Fund for Public Service). This commission, while in existence, was criticized for employing one-sided procedures by the Boston Herald and by liberals like President Marsh of Boston University, President Compton of the Massachusetts Institute of Technology, and Professor Mather of Harvard University. The Massachusetts Civil Liberties Union, in its Civil Liberties Bulletin dated January, 1938, said:

> Had the Commission shown any inclination to investigate movements which are hostile to traditional Americanism, it would deserve support. But it has not. And the completion of the Commission, and the ignorance displayed by its members during the hearings, offer no hope that the Commission is interested in activities, both domestic and foreign-inspired, which are actually subversive to American liberties.

The best refutation of a supposititious link between the ACLU and the International Labor Defense comes from a source which we dislike to use: the Fish Committee swims into view again. In his testimony before that committee Louis Engdahl, general secretary of the ILD, an organization later listed by the Attorney General, positively denied any similarity of aim between his group and the Union. (Special Committee to Investigate Communist Activities, 1930 Report, Part III, Vol. 4, pp. 223-226) With respect to the Garland Fund -- a bail fund established about 1928 by the American Fund for Public Service -- the Union did accept funds for specific court cases in which it was an interested party, but, as a matter of policy, never asked for or received any funds for its operating expenses.

5. Next on page 6 of the report appears a quotation of a quotation of a quotation. "The Fourth Report of the (California) Senate Fact Finding Committee on Un-American Activities in California in 1948 had the following to say about

this organization:

> 'In its 1943 Report to the Legislature, the Legislative Committee investigating un-American activities in California reported the following findings:
>
> > "The American Civil Liberties Union may definitely be classed as a Communist front or 'transmission belt' organization. At least 90 per cent of its efforts are expended on Communists who come into conflict with the law."
>
> 'The Senate Committee Fact-Finding Committee on Un-American Activities reiterates the findings of the former legislative committees concerning the Communist character of the American Civil Liberties Union'."

"Findings," a word frequently used by those without any, is used too glibly here, for properly it is restricted in law to the result of a judicial examination or inquiry. There were no "findings" by any of these California committees, any more than by the Committee to Investigate LSU. All simply parrot earlier statements on the ACLU, blithely pumping the treadmill of defamation. Does the canard about the Union devoting "at least 90 per cent of its efforts" to defending Communists sound familiar? As we have pointed out above, this extravagant story set afloat to delude the public originated with the old Fish Committee Report in 1930.

The assertion in the quotation used in the report that the ACLU is a "transmission belt" organization for the Communist Party echoes erroneously the testimony of Earl Browder before the House Un-American Activities Committee on September 6, 1939. In an exchange of telegrams between the Union and the erstwhile Communist leader on this point, dated September 7 and 8, 1939, Browder said: "I did not mention name of American Civil Liberties Union in my testimony before Dies Committee.... I assure you that I am in no way responsible for the distortion of the hearings in the public press and am extremely sorry if this distortion causes your organization any difficulty or embarrassment." But even if Browder <u>had</u> said twenty years ago that the ACLU was a "transmission

belt," that would not be proof that it was, much less that it is. The Union categorically denies that it acted in any such manner. It has never been concerned with transmitting Communist propaganda; its sole function is and has always been the defense of civil liberties. We have previously referred to the statement of Rep. Martin Dies, who was chairman of the House Un-American Activities Committee at the time Browder appeared before it, a statement made in October, 1939 clearing the ACLU of any Communist taint.

The most authoritative work on the California Un-American Activities Committee, Prof. Edward L. Barrett, Jr.'s The Tenney Committee (Cornell University Press, 1951), offers an 11-page analysis of the Tenney Committee statements about the Union. We should like to present some pertinent facts here. Under its original chairman, Senator Jack Tenney, the California Un-American Activities Committee devoted itself almost entirely to condemning those who opposed a state loyalty oath law imposed on all state employees, the California Levering Act. This committee was notorious for its refusal to grant hearings to individuals and groups being investigated, which can only lead fair-minded persons to question the validity of its "findings." The loyalty oath law was opposed by the ACLU and also by some Communist-front organizations; therefore, the committee reasoned, the ACLU is a Communist-front. But the Union's opposition to the law was totally different from that of the Communists. The Union did not object to the affirmative section of the law, but attacked on constitutional grounds the section proscribing membership in certain organizations. Opposing the law for substantially the same reason were the California State Democratic Party, the California State Federation of Labor, the California CIO, the American Friends Service Committee, the League of Women Voters, and California's Republican Governor Earl Warren. By the committee's line of reasoning,

these could also have been branded as Communist. This brings to mind Stuart Chase's syllogism to point up the procedure of guilt by association in such cases: "The Communists are for public housing. Senator Taft is for public housing. Senator Taft must be a Communist."

The following facts, we believe, seriously challenge the report of the California Un-American Activities Committee:

(a) Both in 1943 and 1948, when the Tenney Committee cited the ACLU as a Communist-front organization, the Union's Northern and Southern California branches repeatedly requested a hearing to deny the charges and present contrary evidence. These requests were denied.

(b) The Northern California Branch of the ACLU, in 1948, challenged Senator Tenney to repeat his statement off the floor of the state senate, where he was protected by immunity, so that the Union could institute a libel suit against him. This challenge was not accepted by Senator Tenney.

(c) All the bills suggested by the Tenney Committee were never adopted by the state legislature, mainly because of opposition to Senator Tenney's outrageous attacks on individuals and organizations; because of his rejection by the public, he was forced to resign as chairman of the committee.

(d) In informed circles, the findings of the Tenney Committee are regarded as almost worthless because of the failure to grant hearings and because of the loose and dragnet nature of the listings. The committee's disregard for fair procedure was so outrageous that it was severely reprimanded by such leading California newspapers as the San Francisco Chronicle, San Francisco News, and Los Angeles News.

(e) The most convincing evidence of the inaccuracy of the Tenney Committee citation of the ACLU comes from the House Un-American Activities Committee itself. In its 1951 "Guide to Subversive Organizations and Publications," which states in a preface that the Tenney Committee was one of the sources on which the report is based, the House Committee does not include the Tenney Committee's reference to the Union. Evidently the House Committee agreed with the California press and public that the Tenney Committee reference was not true.

6. On pages 6-7 the report makes several misleading and false statements about the Louisiana Civil Liberties Union. It begins by saying the LCLU "has not heretofore received much public notice." Passing over the accuracy of this remark, we will say we intend to remain in the public

notice in the future precisely to whatever extent violations of civil rights in Louisiana may require.

The report praises the Anti-Subversive Committee of the Young Men's Business Club of New Orleans for its unjustified attack on the LCLU in April, 1956, citing "an outline of the circumstances surrounding the formation of the Louisiana Civil Liberties Union" contained in the Anti-Subversive Committee's report to the YMBC. No such outline appears in that report, which is almost entirely devoted to a rehash of various criticisms of the ACLU, among them the old "90 percent" nonsense of the Fish Committee Report. It would seem the sheer monotony of their own words might bore the plagiarists of this particular falsehood. Another choice bit from the tabular listing of items in the Anti-Subversive Committee's report is this:

> 3. The Christian Century, January 19, 1955, pg. 71.
>
> American Civil Liberties Union objects to 'the invasion of the public school by sectarian influence and practice and the allocation of public funds to the support of sectarian schools.
>
> (This is especially noted by the YMBC committee since the Communists are atheists and are opposed to any type of religion.)

True, as the Christian Century noted, the ACLU supports without shame the separation of church and state envisaged in the First Amendment and inherent in American democracy. The resounding non sequitur of the parenthetical note is best passed over without further comment.

The character of the report of the Anti-Subversive Committee of the YMBC may be gauged by the following excerpt:

> 11. Times Picayune-New Orleans States, April 8, 1956, pg. 22.
>
> A special committee of the Louisiana Civil Liberties Union announced that it:
>
> 1. Objected to a recent seizure of Communist documents and a Communist library by New Orleans Police because the police had not obtained a search warrant.

2. Objected to abuse in the local hearings [of the Senate Internal Security Sub-Committee] and to the investigatory powers of Congress and to the general conduct of the hearings.

3. Objected to the hearings of this type, stating "other means can and should be found" to accomplish its purpose.

Concerning point No. 1, the LCLU believes the regulation of the right of search and seizure by the Fourth Amendment -- and also by the Louisiana State Constitution -- did not and do not deprive anybody of the protection they explicitly set forth. Point No. 2 contains a truth, an untruth, and a truth -- in that order. It is untrue that the LCLU "objected ... to the investigatory powers of Congress." The ACLU and its affiliates have never done so, but we have many times objected to abuse of the investigatory powers of Congress, abuse such as was exemplified at the 1956 New Orleans hearings of the Internal Security Sub-Committee by the abusive, discourteous, and antagonistic behavior of the sub-committee members toward witnesses and lawyers. And the LCLU did object at the time, as was accurately reported in the state press, to the general atmosphere in which the hearings were conducted, which we pointed out "resembled the atmosphere of a public spectacle rather than a quasi-judicial proceeding." As to Point No. 3, we have just explained what we meant by "hearings of this type." There is no excuse for them.

But to return to the report of the Committee to Investigate L. S. U. A great point is made of the following "facts": (a) On March 29, 1956, the New Orleans police found a lot of Communist material in the quarters of Hunter Pitts O'Dell, a Negro identified as the underground organizer for the Communist Party in Louisiana; (b) "within a week" the formation of the LCLU was announced in the press, and the date of its formation "coincided exactly with the opening of hearings conducted by the Internal Security Sub-Committee

of the United States Senate." Then the triumphant conclusion: "Such was [sic] the inauspicious and sinister beginnings of the Louisiana Civil Liberties Union." An interesting example of post hoc, ergo propter hoc.

Contrary to the implication concerning the formation of the LCLU, there was nothing "sinister" about it, as the correct dates alone will show. The idea of forming a Louisiana affiliate of the ACLU originated in the fall of 1955. On January 20, 1956 Patrick Murphy Malin, executive director of the ACLU, addressed an organizational meeting in New Orleans. On February 20, 1956 the Union's Board of Directors voted unanimously to recognize the newly-organized LCLU. Obviously, all this preceded and was completely unrelated to the O'Dell affair and the hearings of the Internal Security Sub-Committee. When the New Orleans police seized without a search warrant the Communist documents in the possession of O'Dell, the LCLU had its first occasion for public action in the interest of civil liberties; when the Senators behaved as they did in New Orleans, we had another.

Thus the "Results of Other Investigations of the ACLU," if looked at with an open mind, add more credit than discredit to the organization all along the line. The committee has used "other" in the heading of this section of its report as if its own investigation was independently conducted. But all it really did was pick out of the files the most damaging assortment it could find of old and recent charges, each one resting on and repeating the preceding ones, and hastily cobble them together into what it fancied would be a strong indictment. The only group which could possibly be indicted by such a method of presenting a rehash of mutually dependent accusations in lieu of evidence is the group so impoverished as to use it.

6. CONCLUSION

This analysis has run several times longer than the report which it refutes. But an extensive treatment of the charges against the ACLU was necessary in order to show their real nature. It was also necessary to show just how the Joint Legislative Committee to Investigate LSU proceeded with their investigation.

The report of this committee was denounced by officials of the LCLU when it appeared. We will conclude by reproducing their statements to the press. First is the statement of Waldo F. McNeir which appeared in the Baton Rouge Morning Advocate on July 4, 1958.

> Renewed attacks on the ACLU have been made by Sen. William Rainach behind the closed doors of a committee hearing called to investigate "integration influences" at LSU.
>
> No official of the ACLU or its Louisiana affiliate has been provided with a copy of the committee's ... report, and Patrick Malin, executive director of the ACLU, has been refused an opportunity to testify before the committee to answer irresponsible charges against an organization which has received national and international acclaim for its championship of civil liberties for everyone everywhere.
>
> When Patrick Malin spoke in Baton Rouge on June 26 and in New Orleans on June 27, he refuted every shred of so-called "evidence" that the ACLU is a Communist, Communist-front, or subversive organization.
>
> It is fantastic that Sen. Rainach is still trying to smear the ACLU, which is in fact a loyal, respected, thoroughly American, democracy-loving agency dedicated to the authority of law and the dignity of the individual. In so doing he puts himself in the position of a man saying, "My mind is made up; don't confuse me with the facts."
>
> The technique being used in an attempt to discredit the ACLU is unhappily familiar to those who have watched the operations of authoritarian government in Stalin's Russia, Hitler's Germany, Peron's Argentina, and Mao's China.
>
> Everywhere the technique is the same--shut off all opposition, scare people out of joining the opposition, smear the opposition with big lies. The thing dictators and would-be dictators fear most is an articulate opposition.

As Gov. Long pointed out so accurately last week, plenty of people don't agree with Sen. Rainach on the segregation issue, but they're scared not to. The ACLU and its members don't agree with Sen. Rainach, and they are not afraid to say so. For that reason he is desperately trying to injure the ACLU and the LSU faculty members who belong to it.

Nobody who has any respect for the truth or believes in the right of all Americans to their own opinion on vital questions will be impressed by this threadbare, futile effort to silence the opposition.

The second statement, by George A. Dreyfous, appeared in the New Orleans States on July 8, 1958.

The press reports that the joint "investigatory" committee of the Louisiana Legislature has again attacked the American Civil Liberties Union. This attack is based upon unproved charges and upon other like attacks having been made in the past. When the ACLU hereafter objects to repressive measures being adopted, it will then be charged with having been cited by this legislative committee.

This smear technique is the transparent refuge of people who cannot sustain their position on the merits. It has been used twice against the Louisiana Civil Liberties Union.

Two years ago the Eastland committee indulged in indefensible procedures. When the LCLU voiced objections, the ACLU was attacked by the Young Men's Business Club on the basis of earlier attacks having been made by others. Now, when the LCLU has helped to expose the nature of the bills providing for the closing of the public schools, its parent organization, the ACLU, is again attacked on the basis of the old charges and the citing of these charges by the YMBC. Thus accusations are received in lieu of evidence.

Assuming that an "investigatory" committee would hear evidence, Ernest Angell, chairman of the board, and Patrick M. Malin, executive director of the ACLU, sought to testify before this "investigatory" committee. Not wishing to influenced by facts which do not conform with the conclusions reached in advance of this "investigation," Sen. W. M. Rainach refused to permit the introduction of such evidence into the record.

When the privilege of refuting these irresponsible charges was withheld from the ACLU, Mr. Malin came to Louisiana and related the history of the ACLU before audiences in Baton Rouge and in New Orleans. The public was invited to hear these addresses and Mr. Malin's statements were published in the newspapers.

The sole purpose of the ACLU is the maintenance of the rights and privileges set forth in the Bill of Rights of the federal and state constitutions.

The character of the ACLU is vouched for by the men who lead it. E. B. MacNaughton, chairman of the national committee, is chairman of the

board of the First National Bank of Oregon, one of the most successful financial institutions in the United States. Ernest Angell, chairman of the board of directors, is a prominent Wall Street lawyer and was formerly a member of a regional loyalty and security appeal board. Mr. Malin, executive director, was a professor at Swathmore until he became the director of the ACLU. He served for several years on the International Committee for Refugees as a nominee of the United States.

The ACLU publishes the names of the members of its national committee and of its board of directors. Anyone desiring to know the facts can readily discover who these men are and what they stand for. The ACLU also publishes reports of its activities. All of these activities relate to the rule of law under which we must live if we desire to remain free.

On the data presented in this analysis, by no means all that could have been supplied, we rest our defense of the American Civil Liberties Union against the charges made by the Joint Legislative Committee to Investigate Louisiana State University.

Harold
you may be
interested
M. a. W

File - Tax Exemp.

PA
PR ✓
HF

AMERICAN CIVIL LIBERTIES UNION
170 FIFTH AVENUE
NEW YORK 10, N. Y.

RECEIVED AUG 7 1959

Cr. ml

July 27, 1959
(Written July 10, but delayed
in mimeographing because of
pressure of emergency work.)

TO: Board, National Committee, Affiliates

FROM: Pat Malin

SUBJECT: Tax-Deductibility for Contributions to ACLU?

In the Federal Register for June 26, pages 5217 to 5220, there were published amendments to the Income Tax Regulations which we ought to think about. While they still appear not to make contributions to the ACLU or its affiliates -- as now organized and operated -- deductible for federal tax purposes, they seem (by broadening the meaning of "charitable organization") to make so deductible contributions to the three foundations in which some National Committeemen and members of affiliate boards have (in non-ACLU capacity) been interested: (1) the Civil Liberties Educational Foundation, New York City*; (2) the Civil Liberties Education Foundation, Chicago; and (3) the Los Angeles Civil Liberties Foundation. Also, they seem to make so deductible contributions to the two foundations in which some national Board and Academic Freedom Committee members have (similarly in non-ACLU capacity) been interested: (4) the Roger N. Baldwin Foundation, established in 1950; and (5) the Fund for Research and Education, established in 1956. Finally, they seem to make so deductible contributions to the National Civil Liberties Clearing House, Washington, D.C. (which as late as September 1958 was ruled non-deductible as outside the "educational organization" definition); and to make unambiguous the tax-deductible status of the National Association for the Advancement of Colored People Legal Defense and Educational Fund.

The amended Income Tax Regulations [§1.501(c)(4)-1] make no change in the tax-exempt status of the Union and its affiliates with regard to their <u>organizational</u> taxes -- for the years when any of us might show "net earnings"! But it is an organization's tax-exempt status under §1.501(c)(3) which governs the deductibility of <u>contributions</u> to it, and the relevant words now read [§1.501(c)(3) - (d)(2) Charitable defined]: "Such term includes: ... (ii) to eliminate prejudice and discrimination; (iii) to defend human and civil rights secured by law ... The fact that an organization, in carrying out its primary purpose, advocates social or civic changes or presents opinion on controversial issues with the intention of molding public opinion or creating public acceptance of its views does not preclude such organization from qualifying under section 501(c)(3) so long as it is not an 'action' organization of any one of the types described in paragraph (c)(3) of this section."

---

* July 27 - We have learned just today that this expectation has been fulfilled so far as the New York CLEF is concerned.

It is one sub-paragraph of that paragraph which makes contributions to the ACLU or its affiliates -- as now organized and operated -- still not deductible: "(ii) An organization is an 'action' organization if a substantial part of its activities is attempting to influence legislation by propaganda or otherwise. For this purpose, an organization will be regarded as attempting to influence legislation if the organization: (a) contacts, or urges the public to contact, members of a legislative body for the purpose of proposing, supporting, or opposing legislation; or (b) advocates the adoption or rejection of legislation. The term 'legislation,' as used in this subdivision, includes action by the Congress, by any State legislature, by any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure."

Note that this covers not only lobbying in the strict sense, but also comprehensively-defined advocacy of adoption or rejection of legislation. Also, that by any likely interpretation of "substantial part," the national ACLU and many of its affiliates are already devoting such a proportion of their "activities" (the time of our paid and unpaid workers so devoted is the important thing, not our relatively small money outlay on the Washington office etc.) to influencing legislation; moreover, that proportion is generally increasing.

Therefore, the question for us is whether we should re-constitute the national ACLU and each of its affiliates into two (genuinely) separate organization apiece: (1) one to influence legislation, and (2) the second to do the other three kinds of work which we now do -- in the courts, in the executive branch of governments, and in popular education. My own tentative judgment is as follows (the history-minded among you might like to refer to the third part of my memorandum of August 1953: "The ACLU -- Evolution of Methods," page 8, middle paragraph): (a) The national ACLU may now have reached what I there called a "scale of operations ... extensive enough to justify, administratively, the establishment of two completely separate organizations in place of the present ACLU -- one to handle tax-exempt functions, and the other non-tax-exempt functions"; but none of our affiliates is yet large enough, and that rules it out for the national under the integrated membership-and-income arrangement which has proved so successful. (b) Even if that administrative problem were somehow solved, "there would still be [as I continued in 1953] more gain than loss for civil liberties by having one organization represent the full nature of the nation's civil liberties duty"; we should continue, as one organization functioning comprehensively, to help educate the public by symbolizing the need for employing all sorts of methods, and we should continue to attract contributions for legislative work by keeping it linked with other activities. (If contributions for legislative work had to be made on a non-deductible basis to a separate organization, their decrease would be too heavy a price to pay for the increase of tax-deductible contributions to the other separate organization working in the courts, in the executive branch of governments, and in popular education. The success of both the NAACP itself and the NAACP Legal Defense and Educational Fund does not give me sufficient encouragement for our different situation: we have no "natural" clientele, and we need to cover the waterfront of all sorts of problems which arise within each of the areas of free speech, due process and equal protection.)

So, I am worried about even the expansion of the now-to-be tax-deductible foundations listed in the first paragraph of this memorandum. I incline instead to recommend the expansion of the now-probably-tax-deductible National Civil Liberties Clearing House (for description of it, see my report supplementing the Board minutes 1/6/58, pp. 4-6), and the expansion of the ACLU as presently organized and operated. But, what do you think?

Memo FROM THE DESK OF **MILDRED FLOWERS**

December 8, 1959

Dear Mr. Reitman:

In Harold's absence, I'm replying to your wire of today requesting an up-dated list of our State Councils on Human Relations, which I'm enclosing.

If this is not what you had in mind, please let me know and I will pass along whatever list you wish.

Sincerely,

CLASS OF SERVICE
This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

1201

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:HAROLD FLEMING, SOUTHERN REGIONAL COUNCIL=
63 AUBURN AVE NORTHEAST ATLA=

HAVE HAD NO WORD RE REQUEST FOR UPDATING COUNCIL LIST FOR DISTRIBUTION ACLU ANNUAL REPORT. LETTER ADDRESSED MISTAKENLY C/O FREDERICK ROUTH, SIGNED ALICE BERGWERK. WOULD APPRECIATE REVISED LIST AS REPORT TO BE RELEASED NEXT WEEK=

ALAN REITMAN ASSOCIATE DIRECTOR AMERICAN CIVIL LIBERTIES UNION 170 FIFTH AVENUE NEW YORK NEW YORK==

:170.

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

February 22, 1960

Mr. Alan Reitman
Associate Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Alan:

It was very thoughtful of you to send me copies of the ACLU's recent exchange with Seawell. This material couldn't be more timely. I would appreciate a dozen more copies, if you have them to spare.

I hope to see you at the March meeting of the Mass Media Committee. Meanwhile, best regards.

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf

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February 18, 1960

Mr. Harold Fleming
Executive Director
Southern Regional Council
Room 432
63 Auburn Avenue, N. E.
Atlanta 3, Ga.

Dear Harold:

I am sorry that we could not get together the other day at the Mass Media Committee meeting. Harry Fleischman told me how you were being badgered by press people on the significance of the "sit-in" protest of the Negro college students, and it struck me that you might be helped by the full text of our recent exchange with North Carolina's attorney general on this subject. I am enclosing 3 copies of our release and I can provide more if needed.

Cordially,

Alan

Alan Reitman
Associate Director

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February 24, 1960

Mr. Harold E. Fleming, Executive Director
Southern Regional Council, Inc.
Room 432
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Harold:

Here are the 12 extra copies of our recent exchange with Seawell. I hope they do some good.

Best wishes.

Cordially,

Alan

Alan Reitman
Associate Director

Sent to State Dept by Stan 3/60

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Do we need more?
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April 20, 1960

Mr. Harold Fleming
Southern Regional Council
63 Auburn Avenue, N.E.
Room 432
Atlanta 3, Georgia

Dear Harold:

I thought you might like this statement on the right to picket which supplements our earlier statement on the Southern student demonstrations. More copies are available if needed.

I enjoyed your Times article.

Best wishes.

Cordially,

Alan Reitman/od

Alan Reitman
Associate Director

APRIL 16 PARLEY

Law Institute To Probe Radio-TV

The impact of radio and television on a democratic society—and the barriers that prevent maximum freedom of expression—will be examined in depth by local and national authorities Saturday, April 16, from 9 a.m. to 5 p.m. in Schoenberg Hall on the UCLA campus.

The all-day institute on "Freedom and Control of Radio and Television in a Democratic Society" is sponsored by the UCLA and USC Schools of Law and the Lawyers' Division of the Southern California ACLU.

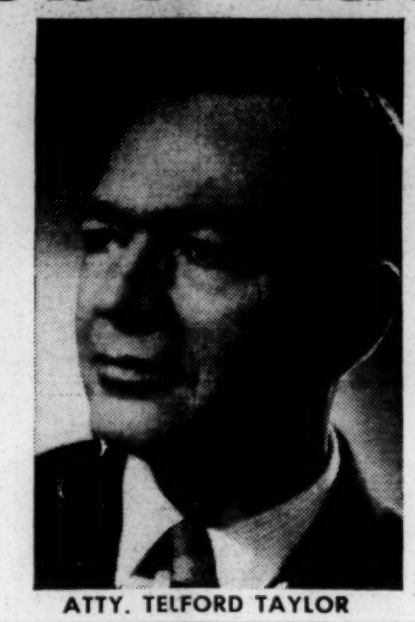
Some 400 lawyers, educators, students and mass communication experts are expected to measure the effectiveness of radio and television as it functions in a society dependent upon enlightenment for its existence.

PROF. CHARLES A. SIEPMANN

Atty. Clore Warne, ACLU board member and former chairman of the Legal Action Committee, will preside at the opening proceedings.

Telford Taylor, prominent New York attorney and former general counsel for the Federal Communications Commission, will address the morning session on "Freedom, Availability and Control of Access to the Media." Taylor is also counsel for the Joint Council on Educational Television and is a visiting lecturer in law at Columbia and Yale Universities.

A panel discussion will follow his address. Panelists will include Addison Mueller, professor of law, UCLA, moderator; Atty. Richard W. Jencks, president, Alliance of Television Film Producers; Atty. Robert W. Kenney, former California Attorney General, and Bill Stout, CBS news commentator.



ATTY. TELFORD TAYLOR

Luncheon speaker will be Frank K. Kelly, vice president of the Fund for the Republic and staff administrator of a study of mass media being conducted at the Center for the Study of Democratic Institutions at Santa Barbara.

Prof. Richard C. Maxwell, dean of the UCLA School of Law, will preside at the luncheon session.

"Freedom and Control of Program Content" will be the subject of the institute's afternoon discussion, with Prof. Charles A. Siepmann, chairman of the communications in education department, New York University,

(Continued on page 4)

The Open Forum

Published by the American Civil Liberties Union of Southern California

VOL. XXXVII LOS ANGELES, CALIF. APRIL, 1960 NO. 4

6-3 Decision Upholds Right to Anonymity

A Los Angeles ordinance barring the distribution of anonymous literature was struck down by the U.S. Supreme Court last month in a 6-3 decision upholding the "important role" of anonymity in "the progress of mankind."

The high court followed the course set down in two recent racial segregation cases which held that "there are times and circumstances when States may not compel members of groups engaged in the dissemination of ideas to be publicly identified.

"Identification and fear of reprisal might deter perfectly peaceful discussions of public matters of importance. This broad Los Angeles ordinance is subject to the same infirmity," Justice Black said in the majority opinion.

The appeal was brought to the Supreme Court by the Southern California ACLU on behalf of Manuel D. Talley, director of the National Consumers Mobilization, a civil rights organization.

Talley was convicted and fined $10 for violation of the city ordinance which prohibits distribution of pamphlets, leaflets and other handbills which do not identify the author and distributor.

The leaflets Talley distributed urged a boycott of merchants and businessmen who carried products of manufacturers who deny equal employment opportunities to Negroes, Mexicans and Orientals.

The court held that the identification requirement would tend to restrict freedom to distribute information and thereby freedom of expression.

Historic Role

"Persecuted groups and sects from time to time throughout history have been able to criticize oppressive practices and laws either anonymously or not at all," the court said.

"The old seditious libel cases in England show the lengths to which government had to go to find out who was responsible for books that were obnoxious to the rulers . . . Before the Revolutionary War, colonial patriots frequently had to conceal their authorship or distribution of literature that easily could have brought down on them prosecutions by English controlled courts.

"Even the Federalist Papers, written in favor of the adoption of our Constitution, were published under fictitious names. It is plain that anonymity has sometimes been assumed for the most constructive purposes."

All-Embracing

Justice Harlan, in a concurring opinion, took issue with the city's view that the ordinance is aimed at the prevention of "fraud, deceit, false advertising,

(Continued on page 3)

High Court To Hear Konigsberg Case

A six-year legal battle to certify an applicant for the California State Bar who refuses to disclose his political affiliations will be reviewed for the second time by the U.S. Supreme Court.

The high court last month granted a petition for a new hearing to Raphael Konigsberg, former Los Angeles social worker, who qualified for the Bar in 1953 but has been denied admission solely for refusing to answer questions inquiring into past or present Communist Party membership.

Atty. Edward Mosk, who has represented Konigsberg through two appeals to the high court, charged in the petition for a writ of certiorari that it is "arbitrary and capricious" to refuse to certify the applicant because of his silence on his personal political affiliations.

Konigsberg successfully met all requirements for admission, including education, proof of good moral character, and firm denials that he ever advocated violent or forceful overthrow of the government, the petition said.

In its first review of the case, the U.S. Supreme Court held in 1957 that Konigsberg had successfully sustained the burden of proving good moral character and non-advocacy of violent overthrow of the government.

The case was then remanded to the State Supreme Court "for further proceedings not inconsistent with this opinion." The State court referred the matter back to the Committee of Bar Examiners.

At a second hearing before the Committee, Konigsberg was warned that his refusal to answer material questions would obstruct the investigation of his qualifications.

Questions concerning member-

(Continued on page 4)

Job Dismissal Suit Scheduled for Trial

A suit for reinstatement of Leland Watterman, discharged by the Southern California Gas Co. for refusing to testify before the California Senate Un-American Activities Committee, is set for trial in Superior Court on April 27.

Watterman testified freely about his own political associations but refused to divulge information about other persons at a hearing before the Committee in 1957.

Attys. A. L. Wirin, Abraham Gorenfeld and Alan Carson will present the arguments in the Southern California ACLU-supported case.

Hearing Granted in HUAC Contempt Case

The U.S. Supreme Court last week opened the door for a new look at the powers of the House Un-American Activities Committee when it agreed to review the contempt of Congress conviction of Frank Wilkinson, former Los Angeles Housing Authority official.

The high court granted a petition for a writ of certiorari which stressed that the right of the people to seek redress of grievances is threatened by Wilkinson's conviction.

The appeal, which is supported by the national ACLU, challenges a U.S. Circuit Court of Appeals decision affirming Wilkinson's conviction for refusing to answer questions concerning Communist Party membership before the HUAC in Atlanta two years ago.

Lobbyist

Wilkinson was summoned before the Committee after he arrived in Atlanta to organize "hostile sentiment" to the investigation and to bring pressure upon Congress to abolish the HUAC.

The questions asked Wilkinson were not pertinent to the Committee's ostensible purpose of investigating Communist infiltration of the textile industry in the South, the petition said.

Activities directed toward the petitioning of the government for redress of grievances cannot be presumed to come within the pervasive authority granted the Committee, as Congress cannot invade a constitutional danger zone so clearly marked, the ACLU said.

The petition also stressed that the lower court erred in applying the Barenblatt decision by failing to consider that there must be a connection between the witness and the subject of investigation in order to establish pertinency.

Direct Relation

In the Barenblatt case, the high court upheld the Committee's power to ask the witness whether he was a member of the Communist Party, but the court also established that there was a specific subject under inquiry to which the witness was related.

"If Congress authorized the Committee to investigate propaganda activities against itself, such authorization would be void as a violation of the First Amendment," the ACLU said.

The petition to the high court was prepared by ACLU Attys. Rowland Watts and Nanette Dembitz of New York.

EDITORIAL

Gov. Brown Can Act!

Capital punishment, viewed in the light of contemporary standards of human knowledge and conscience, is cruel and unusual punishment: a violation of the Eighth Amendment .

We are confident that the California State Legislature, now very narrowly divided, will soon adopt this general view and abolish the death penalty in our state, probably in 1961.

Six men are scheduled to die in San Quentin's gas chamber between April 22 and May 20, including Caryl Chessman on May 2. The execution of any of these men is senseless, brutal—and a breach of fundamental principle.

The Governor can act!

Article VII, Section 1, of the State Constitution gives the Governor clear "power to grant reprieves . . . and commutations of sentence . . . upon such conditions . . . as he may think proper . . . " The only limitation upon this power is the requirement of concurrence by four justices of the State Supreme Court in the case of two previous convictions. We know of no instance in which the Supreme Court has refused to concur, when the Governor has initiated the action for clemency or commutation.

We urge Governor Brown, therefore, to declare a moratorium upon all executions in the State of California (including Caryl Chessman), at least until the close of the 1961 session of the Legislature, when capital punishment can be abolished for good.

Please, write to Governor Edmund Brown, State Capitol, Sacramento, urging him to act promptly in this forthright manner.

—EASON MONROE

The Open Forum

Published by the American Civil Liberties Union of Southern California

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Chapter Sets Talk by CORE Official

The role of Negro youth in revitalizing the fight for equality throughout the country will be discussed by Henry Hodge, national vice-president of the Committee on Racial Equality (CORE) at a meeting of the Hollywood Chapter of the ACLU scheduled for 8 p.m. Monday, April 25.

The meeting will be held at the home of Atty. and Mrs. Marshall Ross, 2471 Glendower Place.

Hodge will give an on-the-scene account of the impact of current "sit-in" demonstrations initiated by Negro students against merchants who refuse to serve Negroes at public lunch counters.

Petition Campaign Seeks Moratorium on Death Penalty

A state-wide petition campaign urging Gov. Brown to declare a moratorium on capital punishment until the 1961 Legislature has fully considered a ban on the death penalty was launched last week by Californians Against Capital Punishment.

The petition states the Committee's opposition to capital punishment "as a matter of fundamental principle," and calls upon the Governor to postpone all further executions until the close of the Legislative session next year.

Prof. Robert C. Kingsley, dean of the USC School of Law, is chairman of the state drive.

Copies of the petition will be made available to Southern California ACLU members for circulation.

ACLU members and guests are invited to attend.

SAN FERNANDO VALLEY

ACLU Counsel A. L. Wirin will analyze the constitutional issues at stake in the Caryl Chessman case at a public meeting Thursday, April 14, at 8:15 p.m. at the Valley Cities Jewish Community Center, 13164 Burbank Blvd., Van Nuys.

SOUTHWEST L.A.

"Pornographic Literature — Can It Be Intelligently Controlled?" will be discussed by a panel of experts including Virginia Armon, child psychologist; Atty. Eric Julber, and the Rev. Cornish Rogers, Calvary Methodist Church; Friday, April 29, at 8:30 p.m. at the home of Howard Russell, 3680 Fairway Blvd.

SAN DIEGO

Tom Moore will discuss the "The Morton Sobel Case;" Wednesday, April 27, at 8 p.m.; in the Continental Room, San Diego Hotel.

KERN COUNTY

ACLU members and friends in Kern County will explore the possibilities of organizing an area chapter at a meeting Wednesday, April 20, at 8 p.m. in the social hall of the Church of the Brethren, 327 A. Street, Bakersfield. Robert S. Vogel, former ACLU president, will speak.

For further information call Judith Tauber at FA 2-1769 or Harold McBride at FA 5-6945.

ORANGE COUNTY

Atty. Loren Miller, vice-president of the Los Angeles branch of the National Association for the Advancement of Colored People, will speak on "The Sit-in Demonstrations in the South." Friday, April 29, at 8 p.m.; at the home of Joel Dvorman, 10952 Endry, Anaheim.

ATTY. COLE BLEASE

Blease Named to New ACLU Legislative Job

The appointment of Atty. Cole Blease, 30, as legislative representative of the Southern California ACLU, was announced this week by Dr. Eason Monroe, executive director.

A graduate of the University of California School of Law and for the past three years legislative advocate of the Friends Committee on Legislation, Blease will direct the ACLU's legislative program at the grass roots level and in the state capital.

He also will represent the Southern California ACLU at legislative hearings in Sacramento, will testify before state committees on pending civil liberties measures, and will coordinate legislative activities conducted by ACLU chapters.

Ground Work

At present he is preparing for sessions before interim committees of the Assembly and Senate and is developing background material for use when the Legislature reconvenes in regular session next January.

Blease described legislative action as a catalytic agent which spurs the public to think and act.

"By developing public issues which are widely debated, public knowledge is broadened which in turn influences legislative decisions," Blease said.

Union Leaders Chart Course at Chicago Meet

Atty. Lloyd Smith, Southern California ACLU president, and Dr. Eason Monroe, executive director, will attend the Union's biennial conference in Chicago from April 21 to 24. The national parley will be devoted to discussion of substantive civil liberties problems the Union will face in the next two years.

The rights of racial minorities in voting, education, housing and employment will form a major area of national ACLU attention.

Police authority and civil liberties also will be analyzed in relation to illegal detention and civilian complaint boards.

In the field of free speech and association, delegates will consider censorship and sex morality; church and state, with special attention to problems arising from federal aid to education.

Dr. Monroe is chairman of the conference planning committee. At a meeting of the committee on Feb. 1 in New York the committee approved a recommendation to the national board providing for the appointment of a National Planning Committee.

The committee would be composed of one member from the national board, two from the national committee, and four from the affiliates.

Letters: Judge Gives Views on Chessman Case

Dear Sirs:

I have just been reading with considerable interest your articles on the Chessman case in your latest issue.

What every one referred to as the "cruel and unusual" punishment phase of the matter is the fallacy that the State has kept Chessman in the death row for eleven years. The State has been perfectly willing to release him (via the death penalty) at any time during that whole period. What has kept Chessman in the death row is Chessman himself. He has taken advantage of every loophole in our procedure which makes our criminal code, by reason of interminable delay, far less effective than that of our parent country England. To be worthy of the name criminal laws must not only be enforced strictly, but quickly.

Which argument on my part does not mean I favor the death penalty, to which I have been a life long opponent. However I feel we should base our opposition not on a fallacy but on the truth.

My own opposition to such penalty is (1) because it fails entirely in its purpose, and (2) because we have no right to require one human being (the officer) to take in cold blood the life of another human being.

But if we abolish it, then the change should be by constitutional provision, not by a law which can be changed at the pleasure of any legislative session. The man with a life sentence should be as completely civily dead as he would be if he were physically so. There should be no possibility of parole or pardon by some soft headed or publicity seeking governor; unless and until newly discovered evidence is presented to some proper tribunal showing error of fact which influenced the original trial.

Rehabilitation, while a by-product most desirable, is after all a by-product and not the main purpose of prosecution. The only real concern of government should be prevention of crime and protection of the public, hoping for rehabilitation, vain though it mostly is, and never, never for revenge.

A. J. Bolinger
Judge, Probate and Magistrate Courts
Versailles, Missouri

Race Bias Seen in New Gambling Case

A law that is fair and impartial on its face but is enforced with "an evil eye and an unequal hand" breaches the equal protection clause of the 14th Amendment, Southern California ACLU counsel charged last week in defense of eleven Negroes charged with violation of Pasadena gambling laws.

The same legal force and effect given to laws which discriminate because of race should be applied to discriminatory enforcement of the law based on race, ACLU Attys. A. L. Wirin, Fred Okrand and Rhoda Gordon said in an amici curiae brief filed in the Appellate Department of Superior Court.

The brief also challenged the refusal of the Municipal Court to accept the defendants' offer of proof that gambling laws are enforced in an arbitrary and intentional manner against Negro residents of Pasadena.

Statistics

The evidence consisted of Pasadena court records from 1957-59 showing that four and a half percent of persons arrested were white, and 94½ percent were colored. Last year, 100 percent of those arrested were colored, according to Atty. Don H. Terry, counsel for the defendants.

Only 12 percent of the population of Pasadena is colored; approximaely 83 percent is white, with the remaining five percent distributed among other minority races, Terry said.

Pasadena police are aware that gambling by white citizens is being conducted in three different clubs, the defense charged. In one instance, Terry said, where white persons, including police officers, were found gambling, no arrests were made.

Immunity

The ACLU brief stressed that the California Constitution makes no distinction between the written law and the law as applied in the area of equal rights.

"If the police intentionally do not make arrests among one class of citizens, who are known violators of gambling laws, this is a grant of immunity on an unequal basis; those unequally affected by reason of their race have been denied fundamental rights."

It is as much the duty of the courts to see that the law is not evaded as that it is not directly violated, the ACLU said.

A similar suit supported by the Southern California ACLU last year resulted in the dismissal of gambling charges against Negroes in Los Angeles.

AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA
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The ACLU works to defend, maintain and extend the civil liberties and rights guaranteed by the Bill of Rights and the Constitution. It needs and welcomes the support of all those—and only those—whose devotion to civil liberties is unqualified by approval of totalitarian practices.

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Arguments Slated in School Oath Appeal

The District Court of Appeals has scheduled arguments for 2 p.m., Thursday, April 14, in the State Bldg. on the validity of non-disloyalty affidavits required for the use of public school auditoriums.

Southern California ACLU members who have never observed the ACLU legal battery in action are urged to attend the hearing. Attys. A.L. Wirin and Abraham Gorenfeld will present the arguments requesting the court to invalidate the oath requirement.

The Los Angeles and San Diego offices of the ACLU joined in the appeal after the Boards of Education of both cities refused to abide by Superior Judge Philbrick McCoy's ruling last June holding the oath unconstitutional.

Prior Victory

Applications by chapter leaders in Whittier and Anaheim also were rejected by school authorities after the loyalty disclaimer was returned unsigned.

The appeal seeks reinforcement of a State Supreme Court decision in 1946 which supported the ACLU's refusal to execute a similar test oath for the use of school auditoriums in San Diego.

The court then held that meetings that would be "harmless" elsewhere do not take on a "sinister quality" when held in school buildings.

Classic View

Unless the views expressed present a clear and present danger to the community, the state must permit a "generous tolerance" of the convictions and affiliations of its citizens, the court held.

The present Statement of Information required under the State Education Code provides that applicants state that they do not advocate violent overthrow of the government and are not Communist-action or Communist-front organizations.

The ACLU's petition to the appellate court, prepared by Wirin, Gorenfeld and Atty. Irwin Gostin of San Diego, claimed that the test oath places the burden of proof upon the applicant, thereby denying freedom of speech without the safeguards of due process of law.

Actors Join in Tribute to Sahl

Humour as an important weapon in the arsenal of free speech will be given public recognition May 15 when the Southern California ACLU honors Comedian Mort Sahl for his outspoken satire of political and social issues.

The first ACLU fund-raising event of the year, the program will be held from 5 to 9 p.m. at the Ambassador Hotel. Admission is $5 per person.

Also appearing on the program will be James Whitmore, motion picture and television actor, noted for his roles in "Kiss Me Kate," "Battleground," "The Asphalt Jungle," among other picture credits, and Actress Phyllis Kirk, currently appearing in "The Thin Man" television series.

ANNIVERSARY — Los Angeles staff of the FEP Commission takes stock of progress after first three months of intensive work. Pictured from left, seated: Donald Glover, assistant chief of staff; John Anson Ford, Commission chairman; and Dwight Zook, commissioner. Standing, Ezell Brown, left, and Dennis Fargas, consultants.

Fears, Opposition Fade as FEP Law Marks First Year

Exactly one year ago Gov. Brown signed into law a bill creating a Fair Employment Practices Commission to prevent and eliminate racial and religious discrimination in employment. The bill went into effect amid dire warnings from opponents of the measure that "you can't legislate brotherhood."

As most supporters of the FEP law knew all along, the opposition was wrong.

Most of the FEP's first year has been absorbed with administrative details, the selection of personnel and the opening of branch offices. But early in January the Commission began to move forward toward its assigned goal.

Acceptance

The results so far have been "gratifying acceptance of the principle of non-discrimination," according to John Anson Ford, Commission chairman who retired from the Los Angeles County Board of Supervisors after 24 years of service to take the FEP post.

Ford, in an interview last week, said the Commission so far has received 123 complaints of discrimination, divided almost equally between northern and southern California.

Of these complaints, 15 were dismissed after investigation for lack of jurisdiction or probable cause; one dismissal was found justified on grounds of incompetence. Nearly 100 cases are still pending. Seven were settled amicably either by reinstatement of the aggrieved employee or by assurances of employers that minority groups would be given fair and equal treatment in future hiring.

Cross-Section

Most of the complaints, Ford said, originate among industrial workers, but there are also charges of discrimination directed against some labor unions, the professions and even municipal civil service commissions.

None of the employers charged with discrimination has yet refused settlement nor has any been brought before the Commission for a public hearing. Under the law, an employer who refuses to abide by the Commission's findings is subject to a maximum penalty of a $500 fine and a one-year jail sentence.

Ford cited as the major obstacles to equal employment the fear that employees will object to working with members of minority groups, and the fear of public disapproval of being served by minorities.

Experience has shown that neither fear is valid, Ford said. "When it is pointed out that non-discrimination helps business, and that the public is not offended if the person is qualified for the job, the employer's fears usually dissolve."

At present the Los Angeles office of the Commission, located in the Broadway Arcade Bldg., at 542 S. Broadway, consists of an assistant chief of staff, three consultants, and four stenographers.

Eventually when the Commission is functioning at full steam, half of the work of the new agency will be educational, Ford predicted.

In addition to demonstrating to employers the moral and social value of practicing non-discrimination, it is imperative that minority groups be trained and prepared for advancement in new fields that are constantly opening for qualified workers — whatever their race or creed.

It is then, Ford said, that "the opportunity to seek, obtain and hold employment without discrimination because of race, religious creed, national origin or ancestry" will become a reality in fact as well as in law.

ANONYMITY UPHELD

(Continued from Page 1)

negligent use of words, obscenity and libel."

"It will not do for the State simply to say that the circulation of all anonymous handbills must be suppressed in order to identify the distributors of those that may be of an obnoxious character," Justice Harlan said.

"In the absence of a more substantial showing as to Los Angeles' actual experience with the distribution of obnoxious handbills, such a generality is for me too remote to furnish a constitutionally acceptable justification for the deterrent effect on free speech which this all-embracing ordinance is likely to have."

ACLU attorneys who participated in the case included A.L. Wirin and Hugh R. Manes, who argued before the high court, and Fred Okrand, Herbert W. Simmons, Jr., and Mandle Rottman, who participated in the brief.

Case History of a $10 Fine

The U.S. Supreme Court last month reached an important freedom of press decision that will go down in the law books as Talley v. California (28 LW 4186).

Behind that citation is a story which provides a classic example of how a legal case suported by the ACLU begins, moves through the judicial hierarchy, and, in this instance, ends happily on a note of triumph.

The case began in April, 1958 as a routine prosecution for a violation of an obscure city ordinance prohibiting the distribution of anonymous handbills, pamphlets and leaflets.

FINE IMPOSED

The defendant was arrested and tried before a Los Angeles Municipal Court judge who imposed a fine of $10. Ordinarily the nominal fine would have been paid and the matter would have ended there.

However, the handbill at issue urged a boycott of a market which sold goods produced by firms which discriminate against race in employment.

Talley, a Negro, was represented at the trial by Atty. Herbert W. Simmons, Jr., prominent civil rights lawyer who is vice president of the National Association for the Advancement of Colored People in Los Angeles, and a member of the Southern California ACLU legal committee.

Simmons filed an appeal in the Appellate Department of Superior Court, challenging the constitutionality of the ordinance. At this point he requested the ACLU to take over the appeal.

VOLUNTEER AID

ACLU's chief counsel A. L. Wirin solicited the aid of volunteer Atty. Mandle Rottman, who wrote the brief; Wirin argued the case before the appellate court.

In November, 1958, the court upheld the ordinance by a vote of 2 to 1 on grounds that the ordinance does not restrict free speech but provides a means for determining responsibility for what is printed. Judge Edward T. Bishop, in a vigorous dissent, said the ordinance abridged freedom of press.

The first round of appeals was lost; the second was put into motion when Wirin requested Atty. Fred Okrand, ACLU board member and co-counsel, to prepare a petition for a writ of certiorari to the U.S. Supreme Court.

The petition was granted "in forma pauperis"—the government acknowledging that the appellant had no funds to finance the appeal; the subsequent court record and brief were printed at government expense.

FINAL ROUND

Atty. Hugh R. Manes, member of the ACLU volunteer legal corps, was asked to prepare additional briefs submitted to the high court. Wirin and Manes argued the case before the Supreme Court early this year. The American Jewish Congress filed a brief as a friend of the court.

If the case had proceeded at private expense, without the aid of volunteer counsel, the litigation would have cost from $5-10,000, including attorneys' fees, court costs and printing expenses.

On March 7, 1960, the highest court in the land ruled 6 to 3 that the Los Angeles handbill ordinance was unconstitutional.

The case that began with a $10 fine ended in a sweeping victory for the right of anonymity in political discussion.

TENNEY OATH AT ISSUE IN CITY JOB REFUSAL

The State Supreme Court heard arguments this week on the appeal of Mrs. Virginia Wilson who was barred from city employment for refusing to sign a now defunct county test oath 12 years ago.

ACLU Counsel A.L. Wirin contended that the ruling under which the Civil Service Comission based its disqualification was not intended to keep from city employment "every person ever discharged for any reason by any employer."

The appeal, supported by the Southern California ACLU, challenges the Commission's action as a violation of the due process clause and freedom of religion and thought protections of the First and 14th Amendments.

Mrs. Wilson qualified for two civil service posts in both written and oral examinations. She was disqualified, however, for her past refusal, on grounds of principle, to subscribe to the checklist of organizations known as the Tenney loyalty oath.

The checklist has never been required of city employees and is no longer a condition for county employment.

Mrs. Wilson also indicated her willingness to subcribe to the Levering oath currently required of all public employees.

Court Rejects New Felon Law Hearing

The State Supreme Court stood firm by its decision last month which invalidated the Los Angeles felon registration ordinance and denied a petition for a rehearing supported by the major law enforcement agencies of the State.

Joining in the appeal for a new hearing were the State Attorney General and the municipal governments of twelve California cities. The petition claimed that the court's decision jeopardized the power of a municipality to enact ordinances in support of any law which the State may have legislated.

The State court unanimously ruled that ordinances requiring the registration of ex-felons are invalid on grounds that the State has pre-empted the field by requiring registration only of certain sex offenders.

State Authority

If the Legislature intended to require the registration of all ex-convicts it has had many opportunities to broaden the law, but has declined to do so, the court held.

The amici curiae brief seeking a new hearing contended that criminal registration ordinances are "a vital and useful tool in the hands of the guardians of the security of our society."

The petition claimed that the court's decision "inevitably will result in additional criminal activity that might have been prevented."

Valuable Aid

The registration statute is "more than a pretext for the arrest of ex-convicts, or a device for their harassment; it has genuine, legitimate, law enforcement value," the petition claimed.

The court's decision was handed down in a test case supported by the Southern California ACLU on behalf of John Abbott, a conscientious objector who was required to register under the law following a 1943 conviction for failure to remain in a civilian public service camp.

The denial of a new hearing blocks further avenues of appeal by the city and state law enforcement authorities.

Union Opposes Release of FBI Lynch Report

The national ACLU last month asked Atty. Gen. Wiliam P. Rogers not to yield to requests that he publicly release the FBI's report of the recent Mack Parker lynch case in Mississippi.

Public disclosure of the FBI file would be directly contrary to the constitutional principle that accusations against people are to be handled through the judicial process, the Union said.

Patrick Murphy Malin, national ACLU executive director, emphasized that the lynching was a "terrible crime expressing the ultimate explosion of racial prejudice and deserves the condemnation of every civilized person.

"The essence of the 5th and 6th Amendments would be destroyed if prosecutors, in support of their accusations, disclosed specific investigative evidence concerning individuals elsewhere than in court or befor administrative agencies."

Educator Raps Conformity in History Books

High school history textbooks are being drained of daring analysis of controversial issues, a prominent New York educator charged last month.

Dr. Albert Alexander, textbook analyst for the New York City Board of Education, assailed the "gray flannel cover" on the modern history textbook in an article in Social Education, the official journal of the National Council for Social Studies, published jointly with the American Historical Association.

History textbooks are beautiful to look at and meet all the official standards of pedagogy and loyalty, Dr. Alexander said, but they are "strangely dull, lifeless and bear striking resemblances to each other" in the uniformity of treatment of American history.

Misleading

Dr. Alexander specifically objected to the absence of historical opinion or interpretation by the author and over-emphasis on contemporary details which results in "misleading and often false equating of values, personages and events."

History texts have become critical of neither the past nor the present, and issues are artificially balanced in order to please partisans in every side of each controversy, Dr. Alexander stated.

"Solid factual roadblocks to critical interpretation are erected, and in extreme cases like the controversial issues surrounding the Civil War, publications are prepared which are aceptable to all markets."

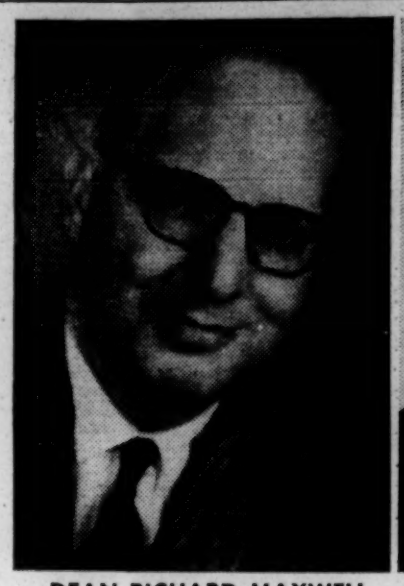
Ideas Limited

A check of four books used in New York City schools showed that none of them refers to the "Civil War," but prefers the South-approved "War between the States."

Dr. Henry Steele Commager, Columbia University historian, strongly supported Dr. Alexander's views. "The whole purpose seems to be to take out any ideas to which anybody might object and to balance all sections and interests. If you mention Detroit, you must also mention Birmingham," Prof. Commager said.

Dr. Austin J. McCaffrey, executive secretary of the American Textbook Publishers Institute, dissented. The textbook publisher, he said, assumes responsibility for releasing books which are "free of bias, prejudice or the points of view of particular individuals or groups."

The textbook, he added, must never become a "vehicle of social change" and must not set out "to persuade" lest it become an instrument of propaganda.



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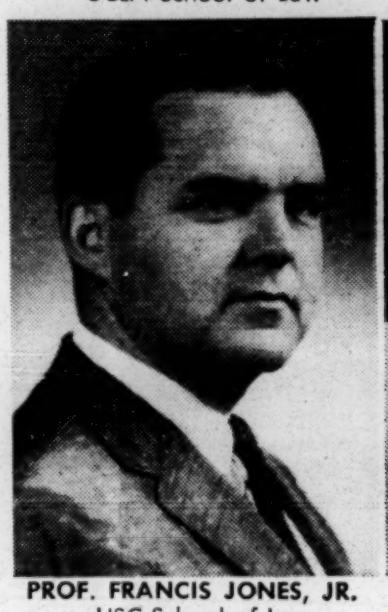

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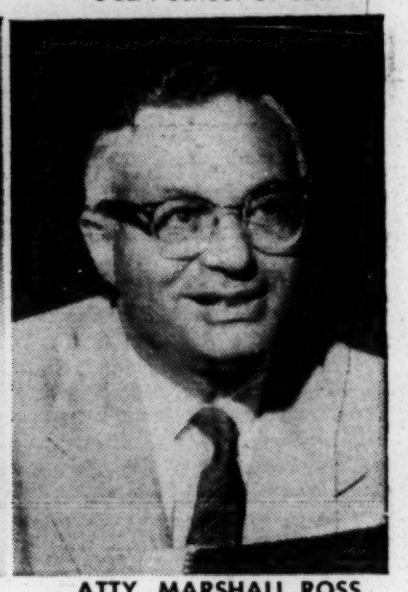

ATTY. MARSHALL ROSS
ACLU Lawyers' Division

Mass Media Parley Set for April 16

(Continued from page 1)

giving the major address.

Siepmann, who is president of the New York Civil Liberties Union, is a former vice president of the British Broadcasting Corporation.

Prof. Victor S. Netterville, USC School of Law, will moderate a panel discussion on program content. Participants will include Atty. Melville B. Nimmer, counsel for the Writers Guild of America, and Syd Cassyd, consultant on educational television to the UCLA Extension Division.

Arrangements for the institute were completed by a planning committee headed by Prof. Francis E. Jones, Jr., USC; Atty. Marshall Ross, ACLU Lawyers' Division chairman, and Prof. Murray L. Schwartz, UCLA.

Among the issues to be considered under the subject of access to radio and television will be: ownership of radio and television facilities, legal and governmental regulations, equal time provisions, station regulations governing controversy, and possible legislative amendment of existing statutes.

The discussion of program content will explore the mechanics of program control, news treatment, fears of sponsor withdrawal and adverse public reaction, and the possibilities of government subsidies for "public service programs."

Registration fee for the institute is $7 per person, including luncheon.

Appeal Planned in Duncan Murder Case

The Southern California ACLU will participate as a friend of the court in an appeal to the U.S. Supreme Court of the convictions of Mrs. Elizabeth Duncan and two accomplices found guilty of murder in Ventura.

A petition to the U.S. Supreme Court for a writ of certiorari will be supported by the ACLU but limited to the constitutional issues involved in the appeal.

The ACLU has challenged the fairness of the trials and charged that the defendants were denied due process of law because of "prejudicial and "inflammatory" statements issued by the District Attorney

Arcadia 'Smear' Campaign Scored

An attack upon Dr. Linus Pauling, launched by American Legion Post 247 in Arcadia, was dubbed an "utterly irresponsible McCarthy-type smear" by Dr. Eason Monroe, Southern California ACLU executive director, last week.

The Legion named Dr. Pauling, Nobel Prize winner in chemistry and professor of Chemistry at Caltech, as the first target in a campaign to "bring America back to Americans."

The Arcadia Tribune, in its lead story on March 24, said the Legion in coming weeks will "spotlight activities of others lending aid to the doctrines of communism, including some residents of Arcadia."

Familiar Tack

The newspaper quoted the "documented record" provided by the Legion citing a long list of Dr. Pauling's associations and activities all of which, the Legion said, "are listed by the United States Attorney General as Communist Front Organizations."

Among the citations were several appearances by the renowned scientist at Southern California ACLU public events.

Dr. Monroe, in a letter to the Tribune on March 31, said the Legion leaders may wish to indulge in such "slanderous activities," but the Tribune has "the higher public standards of good journalism to meet."

Motives Questioned

Pointing out the "obvious error' in its story linking the ACLU with organizations cited by the Attorney General, Dr. Monroe said, "The fact that this statement is untrue could easily have been ascertained both by you and by the Legion officials.

"If this printed untruth is deliberate, it is quite clearly libelous and suggests motives comparable to those of the late Senator McCarthy, adopted by individuals who do not have the same protection of Congressional immunity to expound deliberate falsehoods," Dr. Monroe said.

If the statement represented only "an inadvertent error," then the competence of the total Legion report and of the Tribune is open to question, he added.

Monroe told the Tribune editor that the ACLU expects to find "a prominently displayed correction to the effect that the American Civil Liberties Union has never been cited as a communist front (or in any other way) by the U.S. Attorney General or any other agency of the Federal Government."

Konigsberg Case . . .

(Continued from page 1)

ship in the Communist Party were deemed material. Konigsberg again refused to answer, stating that "I could hardly be expected at this point for expediency to give up principles that have been upheld by the highest court of our country."

A friend of the court brief supporting the petition for a new hearing was filed by the Southern California ACLU. The brief contended that "The First Amendment would be an innocuous document indeed if speech could be made the hostage of licensing bodies whenever it suited their whim or convenience."

The ACLU petition was prepared by Attys. A. L. Wirin and Hugh R. Manes.

American Civil Liberties Union
of Southern California
323 West Fifth St.
Los Angeles 13, Calif.

Bec
LEC
MF

AMERICAN CIVIL LIBERTIES UNION
170 FIFTH AVENUE
NEW YORK 10, N. Y.

June 1, 1960

IMPORTANT CHANGE OF ADDRESS

ACLU is moving to new offices. After June 15th the new Address will be 156 5th Avenue, New York 10, N. Y. Please change your mailing list accordingly.

Our telephone number will remain the same -- Oregon 5-5990.

June 1, 1960

Mr. Alan Reitman
Associate Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Alan:

We are complimented by your request for our mimeographed materials as possible background for your annual report, though I'm not sure you realize what you are letting yourself in for.

My last round-up report on the South and SRC activities was done last October, but the brief analysis may still be of some relevance. (As an extra precaution against publicity, this report is marked confidential; in fact, you may disregard this classification except with respect to names of persons and agencies with whom we have interaction.) Of course, our reports on the sit-in protest have tried to interpret the meaning of recent developments for race relations. The last of our mimeographed publications are relatively brief releases on specific aspects of the Southern situation, but I am sending them along pro forma. As to general description of Southern race relations currently, I am enclosing a coupla of short speeches of recent vintage that may be suggestive.

On another subject, I have discretely poked into the New York Times situation. I can confirm what you already know -- that there is considerable concern about the libel business in New York. But there is

no indication that any stories are not being handled, or are being handled differently because of this. It is a fact that the Times seems to have ceased, at least for the moment, to send any of its "outside" reporters into the South for special stories. My own feeling is that anything which would give the Times a public boost of moral support would be worth doing. As you may know, the Birmingham newspapers are pounding away mercilessly at the Times.

Cordially,

Harold C. Fleming
Executive Director

HCF/mf
Enclosures - 2

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May 26, 1960

Mr. Harold C. Fleming, Executive Director
Southern Regional Council
Room 432
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Harold:

We are now drawing together materials for the preparation of our annual report and in this connection I note how valuable the Southern Regional Council annual reports have been in the past. Could you have your information office send me a separate set of all the mimeographed materials published since last August, and, particularly, if you have any round-up statement on the general situation in the South? Thank you very much for your helpful cooperation.

Best wishes.

Cordially,

Alan

Alan Reitman
Associate Director

Washington Office — 1612 Eye Street, N.W., Washington 6, D.C.; Lawrence Speiser, *Director;* Penelope L. Wright, *Executive Assistant*
With organized affiliates in twenty-four states and 800 cooperating attorneys in 300 cities of 48 states

426

June 2, 1960

Mr. Alan Reitman
Associate Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Alan:

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Cordially,

Harold C. Fleming
Executive Director

HCF/mf
Enclosures: HCF speeches (WHCCY - Mar. 29, 1960; American Civil Liberties Clearing House - Mar 24, 1960)

Sent separately

SRC Annual Report - Oct. 19, 1959
L-Reports 2-17

June 3, 1960

Mr. Tobias Simon
706 Ainsley Building
14 N. E. First Avenue
Miami 32, Florida

Dear Toby:

Thanks for your letter and the check. (It was right to the penny, indicating the accuracy of your research and depriving me of the privilege of refunding a surplus.)

I found the whole experience interesting, and enjoyed meeting the high command of the FCLU. I only hope the proffered testimony will ultimately do some good.

Your cryptic remark about the nasty spotlight refers, I suppose, to smear of SRC. My friend John Griffin wrote me that some of this was attempted by Hawes after I left. We've dealt with a lot of this sort of thing over the years, and have plenty of rebuttal ammunition ready at hand. Please let me know if it gets serious enough to warrant a counter-attack, and do keep me posted on major developments in the case.

All the best.

Sincerely,

Harold C. Fleming
Executive Director

LAW OFFICES

TOBIAS SIMON

706 AINSLEY BUILDING, 14 N. E. FIRST AVENUE
MIAMI 32, FLORIDA
TELEPHONES FR 3-6383 · FR 9-5687

PLEASE REPLY NUMBER: 1544-C

June 2, 1960

Mr. Harold Fleming
c/o Southern Regional Council
63 Auburn Avenue Northeast
Atlanta, Georgia

Dear Harold:

Just a note to express the appreciation of the Florida Civil Liberties Union for your wonderfully cooperative efforts on our behalf in appearing as a witness on behalf of Edward T. Graham. While I recognize that the time you have taken away from your own activities is important, I feel that you are more to be commended on your courage in entering upon what might yet prove to be a very nasty spotlight.

Again, please accept our thanks and our best wishes.

Sincerely yours,

TOBIAS SIMON

TS:mf

P.S. My check in the sum of $40.26 is enclosed for the round trip fare from Atlanta to Tallahassee. If this is not correct, please refund the difference (Joke: ask for more if the same is desired.)

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June 16, 1960

Mr. Alan Reitman
Associate Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Alan:

Many thanks for sending me the Bob Byrd story, which otherwise I wouldn't have seen.

I don't know what's happened to our man Westfeldt of the Tennessean who was writing up the Nashville story, but I'm trying to find out.

Cordially,

Harold C. Fleming
Executive Director

HCF/mf

Pls return LWDV

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June 9, 1960

Mr. Harold Fleming, Executive Director
Southern Regional Council, Inc.
Room 432
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Harold:

I remember your report to the recent Mass Media Committee meeting concerning the Council's preparation of a report on the techniques used in Nashville to convince merchants to desegregate lunch counters. I do not know if you have seen the HERALD-TRIBUNE article on this development, but it is very good and I thought I would pass it along to you in case you had not come across it.

Best wishes.

Cordially,

Alan

Alan Reitman
Associate Director

filed

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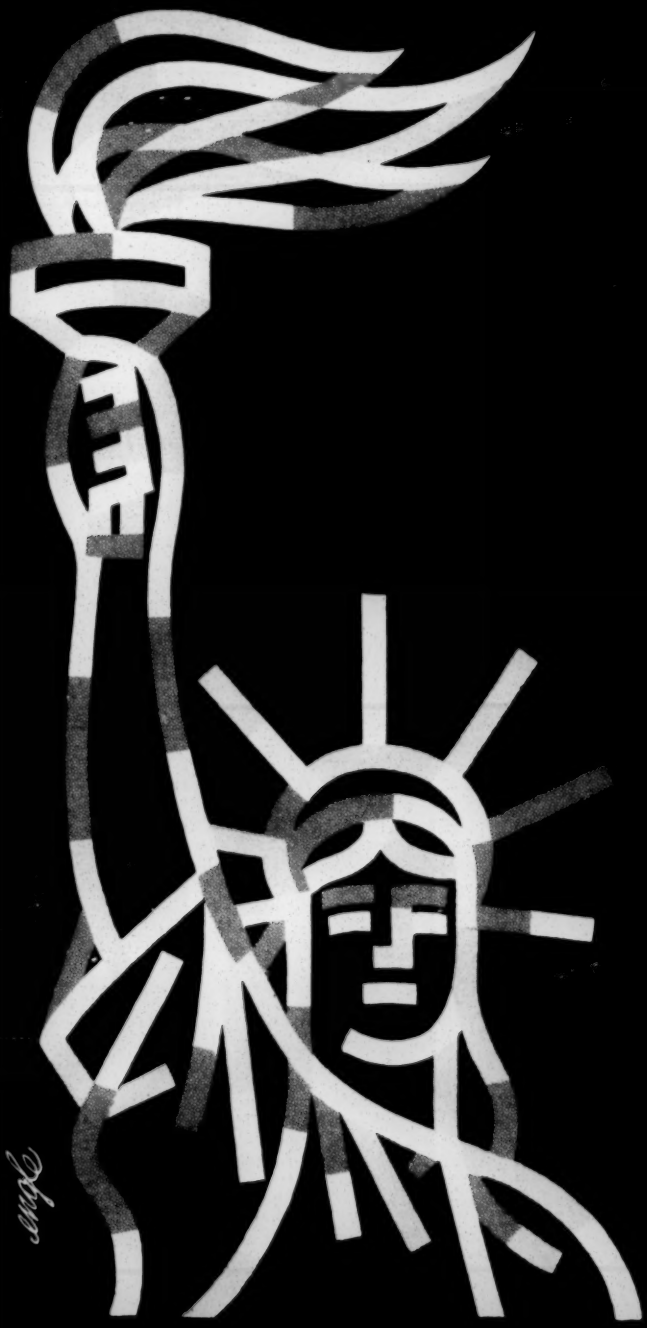
ACLU'S DEFENSE OF LIBERTY

BY THE PEOPLE

40th ANNUAL REPORT

July 1, 1959 to June 30, 1960



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"BY THE PEOPLE"–1920, 1960, 2000

BY PATRICK MURPHY MALIN

Democracy, the dictionaries say, is "government by the people; direct or representative." But something more than a democratic government is needed for a free society; the people must have a large measure of freedom even from their own democratic government. They must have rights as citizens—civil liberties. "Personal liberty," said Charles Morgan in his Zaharoff Lecture at Oxford in 1948, "cannot survive without constitutional liberty. . . . In countries with a written constitution the removal of checks upon power is blessedly difficult. The people of the United States have wisely denied themselves the opportunity to sweep away their institutions and plunge themselves into slavery by the impulse of one vote. . . . Montesquieu puts [the] question in concrete form: will democracy preserve the Balance of Powers? Unchecked power is no less tyranny because someone has voted for it."

The American Civil Liberties Union has for forty years been enthusiastically grateful for this nation's democratic government and free society; neither the democracy nor the freedom is complete, but both are wide and deep. The task of the Union has been, and still is, simply to preserve and improve both democracy and freedom by defending the central constitutional safeguards which keep power in check. Those central safeguards—the rights of the people as citizens, their civil liberties—are set forth in the Bill of Rights (the first ten amendments to the federal constitution) and other cognate provisions of the federal and state constitutions. They are: freedom of inquiry and communication, fair procedures, equal protection of the laws, and the "retained" and "reserved" rights of the people (emphasized in the Ninth and Tenth Amendments).

It has never been easy for even the American people to preserve and improve both democracy and freedom by defending those central safeguards. It became downright hard with the country's "coming of age," internationally and industrially, at the time of World War I. Hence, there was nothing accidental or astonishing about the American Civil Liberties Union's coming into existence in 1920, as an agency—typically American in being at once organized and private—for the more effective defense—by the people—of those central safeguards, against mounting threats.

International and industrial factors have all along been the chief scene-setters for the Union's work. So it took no special insight, late in December 1949—when the then newly-appointed second executive director of the Union was asked at his pre-induction press conference what would be the main sources of difficulty for civil liberties in the next few decades—for him to answer: "War and machines."

War had to be stressed because, even if there were to be no all-out war, terrible events were already occurring throughout the world; and this country was, for the first time, entering what would probably be a long period of unremitting international danger. The resultant intense pre-occupation of our people with national security, normal and admirably patriotic, would incidentally cause morbid pressure of many

sorts on civil liberties. (Less than two months afterward, the late Senator Joseph McCarthy launched his attack on the State Department's personnel; and, four months after that, the Korean conflict added strong impetus to an indiscriminate assault on civil liberties.)

Machines had to be stressed because the ever-swifter growth of machine technology, with the attendant increase in social complexity, would bring in its wake other problems for civil liberties far more intractable than those of the simple economy of 1787-91, when the Constitution and the Bill of Rights were framed—more intractable than those of "the good years" of 1900-14, even than those of the 1920's and 1930's and 1940's. (The 1950's were marked by a worsening of the problem of wiretapping: how can our people, through the police, curb crime in the automobile-airplane-telephone age, without letting themselves become the prey of ravening invasions of their privacy?)

Nineteen-sixty has deepened concern on the war front. Even before the U-2 was shot down and the summit conference was destroyed, the world had entered the most sombre period since the end of World War II. Now, in mid-October, the United Nations Assembly is struggling to recover from Khrushchev's desk-pounding attempt to have his own way on the Congo and disarmament, and so keep the Chinese Communists in leash; a Japanese party leader is assassinated, the French people are tearing themselves asunder over Algeria, and the Castro-American conflict rages just short of war.

We can thank our lucky stars that the defection of two communications intelligence experts of the National Security Agency in the Department of Defense came after Congress had finally adjourned for the presidential campaign, and—more important—that comment in governmental circles and outside has shown maturing recognition that such real dangers to national security cannot really be countered by slap-dash methods which threaten civil liberties. Linus Pauling's stand against the Senate Internal Security Sub-committee has not yet brought a contempt citation. Vice-President Nixon and Senator Kennedy have been sober in talking about how to deal with Communist subversion.

But, as long as the international temperature is feverish, there will remain at least latent trouble for civil liberties. Even during this year of relatively good sense, Willard Uphaus is in a New Hampshire jail because of a 5-4 United States Supreme Court decision on his refusal to give a list of names. And the House Un-American Activities Committee has proved anew that it should be abolished, by once again staging a meaningless side-show in its almost sole remaining happy-hunting-ground of California. That serpent in our demi-paradise of a democratic government and a free society can be scotched only by the people, through their Representatives.

Nineteen-sixty has deepened concern on the social-complexity front, also. The fathers of this Republic, desiring both religious freedom and national unity, aimed to keep their new federal government out of religion altogether, whether for or against; and they did a magnificent job of pointing the way. But they did not have to cope, as we must, with the multiplying complications growing out of the success of our machine civilization—which has attracted the most heterogeneous population on earth (heterogeneous—among other ways—in its religion,

non-religion and anti-religion), and has made our educational institutions both a prime necessity for national strength and a rich prize for anyone who can control them. The schools—most of all in finance and in curriculum—are the chief stake in the church-state contest.

That controversy, despite frantic efforts of one sort or another. will not disappear from the current presidential campaign. But the problem is much bigger than what would, or would not, result from the election of a particular President. The comprehensive problem is this: Will all our governmental executives and legislators and judges (federal, state and municipal) and all our people—Catholic, Protestant, and Jewish; Quaker, Moslem and atheist—adhere scrupulously to the constitutional principle that there should be neither any governmental restraint on, nor any governmental support of, religion or non-religion or anti-religion?

Not merely governmental officials, but most of all the people themselves. Because, not only could the people remove that principle from the Constitution by amendment, but also—with more immediate significance—they can, and often do, nullify it by the pressures they bring to bear on their officials. In the last analysis, and day by day in a host of specific decisions (most especially in regard to education), it is by the people that it will be decided whether promotion of, or opposition to, any form of religion or non-religion or anti-religion, is to be entirely a private matter—with no resort to governmental action even for what they privately want in regard to religion. If they want a free society too, it will have to be maintained—by the people.

Nineteen-sixty has also been a year of Negro "sit-ins," additional handwriting on the wall for those who have not yet learned that machine civilization spells the doom of racial discrimination (in northern housing as in southern voting and schooling)—though not without dust and heat even for those who believe that doom to be as right as it is sure. Modern industry means big factories and supermarkets instead of small farms and shack stores, skilled workers and college students instead of share-croppers and handymen. Modern industry needs a large body of well-disposed workers and customers at home, as well as enthusiastic friends in Asia and Africa; and "Jim Crow, he's real tired."

The party platforms show that such handwriting on the wall has been more widely read than ever before, as does the Civil Rights Act of 1960: but we still cannot realistically expect further federal legislation at more than a snail's pace. The immediate practical question, with regard to governmental efforts to end discrimination, is still this two-fold one: Will the White House and the Department of Justice and the other federal agencies energetically and courageously use their already-existing powers, in southern voting and education and in northern housing; and will northern states and municipalities act to solve the multiplying problems of their own bailiwicks? Here again, what governments do will be determined by the people—who indeed could privately do a lot more than they are now doing, without waiting for governmental action.

Finally, nineteen-sixty marks the 40th Anniversary of the founding of the American Civil Liberties Union. Our now 52,000 members should

re-read the brief historical summary of what the Union has done with its time (and their money!) printed as the January 1960 issue of the monthly bulletin; and may also wish to order (for themselves and others) two more recent publications: "What is the American Civil Liberties Union?," and Osmond K. Fraenkel's "The Supreme Court and Civil Liberties."

The present 40th Annual Report, covering the period July 1, 1959-June 30, 1960, is more compressed than last year's—because, in using the funds for which we are grateful to our increasing and increasingly generous membership, we must allocate as much as possible to the almost immeasurably increased demand for the work in courts and legislatures and executive departments of government for which we are trustees of that income. But the present report is still detailed enough to indicate the tremendous amount of the Union's work, which—by its contrast with our small employed staff—is always astonishing to those who do not know the secret of our hundreds of unpaid volunteers, especially the cooperating attorneys.

The ACLU is like a healthy free society and democratic government. It gets its work done by the people. It now looks forward to 2000, after forty more years of work by the people.

This report, like those of immediately preceding years, was written by Mitchell Levitas, a New York newspaperman, and supervised and edited by Alan Reitman, our associate director, with the help of other members of the national staff, as well as our affiliates' staffs and officers. The twentieth anniversary of the Battle of Britain should remind us of how much the many owe to the few!

FREEDOM OF BELIEF, EXPRESSION AND ASSOCIATION

THE GENERAL CENSORSHIP SCENE

1. Books and Magazines

THE COURTS. A new constitutional interpretation by the U.S. Supreme Court struck down a Los Angeles anti-obscenity law which had held booksellers criminally liable for the possession of "obscene" literature, whether or not the seller was aware of its contents. The ruling breaks new ground along the path marked earlier by the Supreme Court in the *Roth, Alberts, Kingsley* and *Butler* decisions in limiting restrictions upon freedom of speech and press made in the name of combatting "smut," and by last year's U.S. Court of Appeals verdict upsetting a U.S. Post Office ban on *Lady Chatterley's Lover. (See 1956-1957 Annual Report, pp. 37-39 and 1958-1959 Annual Report, p. 11.)* Acting unanimously, the high court reversed a California Superior Court verdict convicting Eleazer Smith for violating the law because he offered for sale, *Sweeter Than Life,* a novel about a ruthless lesbian business woman. Smith argued that he had not read the book and had no reason to believe it obscene. While this was not an adequate defense under the Los Angeles law, the opinion of the U.S. Supreme Court regarded it as the crux of the matter. "By dispensing with the requirement of knowledge," said the opinion, "(the law) tends to impose a severe limitation on the public's access to constitutionally protected materials." The opinion declared that since there was a limit to the number of books a dealer could personally read and since "his timidity in the face of his absolute criminal liability" would induce him to restrict sales to books he had read, "the state will have imposed a restriction upon the distribution of constitutionally protected as well as obscene literature. . . . The door barring federal and state intrusion into the fundamental freedoms of speech and press cannot be left ajar. It must be kept closed, and opened only the slightest crack necessary to prevent encroachment upon more important interests."

The U.S. Supreme Court decision was quickly applied in several localities where prosecutions were pending. In Indianapolis Criminal Court Judge Richard Salb declared unconstitutional a state law under which 17 booksellers had been arrested for the possession of "obscene" books and magazines. "(I) am firmly opposed to government censorship of adult reading material and adult speech," the jurist declared.

The Attorney General of Vermont dropped the prosecution of a local magazine distributor because of the *Smith* decision. The official said he would ask the legislature to adopt a law tailored to meet the court's new requirements, however. The Rhode Island legislature has already done so, and the new law has been upheld as constitutional by the state Supreme Court. The Rhode Island Affiliate, ACLU, in a brief supporting bookseller Harry B. Settle of Newport, said the statute was written vaguely and so broadly that it permitted punishment for acts or words protected by the federal constitution. The state high court

ordered a new trial for Settle to determine whether the novel he is accused of selling to a minor, *Peyton Place,* is obscene. A jury did find the book to be indecent, but the case is being appealed. The *Smith* decision also found echoes in Spokane, Wash. where a state court voided a state law barring the sale of "obscene" literature whether or not the purveyor knew the contents of what he offered for sale. In Cincinnati, Cleveland, Miami Beach, Newport News, Va. and New York City obscenity convictions and prosecutions were reversed or dropped because of the Supreme Court's *Smith* ruling.

Sections of state laws in Maryland and West Virginia which sought to protect minors from gaining access to allegedly harmful reading matter have been declared unconstitutional on the grounds that they are too vague and are also discriminatory against adults. Baltimore Superior Court Judge Reuben Oppenheimer said the provisions barring sale of material do not meet due process requirements "in that they do not give fair notice of what acts will be punished, and permit within the scope of their language the punishment of acts protected by the principles of freedom of the press." In addition, he pointed out that "adults are not allowed to see the books which it is their right to buy and read. The right of young persons to read what they will," Judge Oppenheimer continued, "within the limits of permissible federal or state action, is vital not only to them but to all our citizenry. The exclusion of obscenity from protected utterances does not carry with it the right to obscure from young or old facts or events, however unpleasant, disturbing or violent. It is through realization, in formative years, of the meaning of the ordered liberties protected by the Constitution that an adult citizenry is most apt to have the feelings and thoughts and to take the actions which are 'the real protection against attempts to strait-jacket the human mind.' " The opinion was upheld by the state's highest court. The West Virginia Supreme Court of Appeals used similar reasoning in ruling unconstitutional that part of the state statute against obscenity aimed at protecting the morals of youth.

The Post Office Department finally gave up attempts to ban *Lady Chatterley's Lover* following the decision of the U.S. Court of Appeals in New York that D. H. Lawrence's classic is not obscene. *(See last year's Annual Report, p. 11.)* The appeals court was unanimous in deciding that the book is mailable, but divided 2-1 on its literary and moral values. Though the jurists were divided on esthetic grounds, they were agreed that Postmaster General Summerfield was "extreme" in banning the book from the mails.

The Illinois Division, ACLU won a Federal District Court suit in Chicago on behalf of the first issue of *Big Table,* a literary magazine banned by postal authorities on the grounds that two short stories were "obscene, lewd, lascivious and filthy." The affiliate said that the magazine was a serious literary effort. In addition, the complaint attacked the Post Office procedure under which allegedly objectionable material is impounded without any prior notice or hearing. The judge agreed with the Illinois affiliate that *Big Table* represented conscientious literature but did not pass upon the constitutionality of the administrative practice. The government plans no appeal.

The ACLU and the New York Civil Liberties Union also success-

fully countered the machinery of the Post Office Department when they won an end to the use of post office property to publicize the views of a magazine editor who opposed the circulation of the unexpurgated *Lady Chatterley's Lover*. The incident arose when it was noticed that post offices in New York's Nassau County had posted reprints of an editorial by the Rev. Daniel Poling, editor of *The Christian Herald*, attacking the book. In a joint letter, the ACLU and the NYCLU expressed dismay that taxpayers' money was being used to publicize the views of a private individual, especially since the action "seemed to flout" a Federal District Court ruling upsetting the Postmaster General's administrative action. The response to the civil liberties protest was an order removing the Poling reprint as "not in accord with postal regulations" and the pledge that "henceforth (officials) should not post statements by private individuals."

A Federal District Court ruled that Iowa's Attorney General had a legal right under the state's anti-obscenity statute to warn wholesale magazine distributors that he had asked county attorneys to remove 42 "girlie" magazines from the newsstands and to prosecute local dealers who offered them for sale. The magazines' publishers, backed by the Iowa Civil Liberties Union, had charged that the official's threat, in place of regular criminal procedures, "amounts to practical pre-censorship of reading matter without the safeguards inherent in a trial by jury and without due process of law." The court's opinion, however, said that no issue of pre-censorship is involved as no attempt was made to ban future issues of the magazine.

U.S. POST OFFICE CENSORSHIP. The latest in a series of court tests over the past decade seeks once again to prevent the Customs Bureau and the Post Office Department from banning entrance and delivery of material they regard as "foreign propaganda." The most recent actions were brought in the Federal District Court in Washington, D.C., on behalf of two Chicago plaintiffs, the Modern Book Store and Mrs. Helen MacGill Hughes, a sociologist. The Washington suits were filed by attorneys for the Illinois Division, ACLU to back up similar suits brought in Chicago. The Chicago suits appear mooted because the postal and customs units which had been screening foreign political propaganda mail in Chicago were closed down and transferred to post offices in New York and San Francisco. The Modern Book Store had sought an injunction enjoining the Chicago postmaster and customs collector from withholding delivery of six shipments of books and magazines from two Canadian publishers; the book store claimed the Post Office acted without statutory authority in violation of the First and Fifth Amendments of the federal constitution. Mrs. Hughes, managing editor of the *American Journal of Sociology*, had tested the Post Office's authority to bar delivery of two Czechoslovak publications *(See last year's Annual Report, pp. 14-15.)* The Washington, D.C. suits, brought against Postmaster General Summerfield, Treasury Secretary Anderson and Customs Commissioner Kelly, were filed in the nation's capital, the Illinois Division said, to bring before the courts the officials ultimately responsible for the "foreign political propaganda program." Noting that in previous cases the government avoided any court test of

its censorship authority by delivering the detained mail to persons who challenged the program, the ACLU affiliate said the program was "hit-and-run government in which officials continue a censorship program of questionable legality and at the same time seek to prevent citizens from having the courts rule on the legality of their conduct."

It was against this background that the Senate Subcommittee on Constitutional Rights began an investigation of the Post Office practice of intercepting mail from abroad that it considers subversive—about 15,000,000 pieces of mail annually. Although the practice is no longer carried out in secret and libraries and universities now get the material as a rule, firm opposition remains to the regulation demanding that the addressee sign a card saying that he requested the literature being withheld by the Post Office before it is delivered.

PROTECTION OF JUVENILES. Most legislative action directed against "obscene" books, magazines and other material is intended to protect young children and teen-agers against what many believe to be the harmful effects of such reading matter, such as the inducement to commit acts of juvenile delinquency. The ACLU has long questioned whether there actually is such a causal relationship between reading and the commission of a crime. On several occasions during the 86th Congress Union spokesmen again emphasized that in view of expert disagreement over whether, in fact, such a causal relationship exists, efforts to protect youth against "smut" through legislative proposals to curb the flow of obscene matter cannot violate constitutional safeguards against censorship. The Union therefore regarded as a qualified victory a new law which limits the power of the Postmaster General to impound mail allegedly connected with the sending of obscene materials by forcing him first to seek authority from a Federal District Court. Although the Union is opposed to pre-censorship in any form, the measure at least thwarted attempts by the Postmaster General to increase his vast and often abused powers and deprived him of his previous power to impound mail by his own fiat.

Such moderate legislation was in contrast to two proposed constitutional amendments against which ACLU executive director Patrick Murphy Malin testified. Appearing before the Senate Subcommittee on Juvenile Delinquency and Constitutional Amendments, Malin opposed one measure which would allow each state to decide "on the basis of its own public policy, questions of decency and morality" and would bar any abridgement of the right of states to enact legislation in this field. The other suggested amendment would suspend free speech and free press guarantees from application to materials found obscene according to the definition laid down by the U.S. Supreme Court in the 1957 *Roth* case. The former amendment was introduced by Sen. Eastland, the latter by Sen. Kefauver. The Eastland bill, said the ACLU, could nullify all the safeguards in the Bill of Rights because the words "morality" and "decency" are so vague as to "defy precise definition" and invade constitutional protections. The Kefauver bill was "extremely bad social policy" because it sought to "petrify by constitutional amendment so amorphous and slippery a concept as 'obscenity'." The Union added that while it differed with the high court definition made in the

Roth case, the time may come when the Court may change its definition of obscenity "based on new evidence discovered by social scientists."

Malin said it was "natural that in the common desire" to combat juvenile delinquency "there should be sought a simple cause and a quick solution. The emotions of pity and indignation," he said, "lead to the plausible conclusion that if we can give some public official broad power to stop the flow of "smut" we shall then have gone a long way to insulate our children from pernicious influences which, unrestrained, lead them into degradation and crime. Nonetheless, we must bear constantly in mind that with respect to juvenile delinquency no less than with respect to any other area of anti-social or criminal behavior, minimum standards of constitutionality must not be circumvented in the search for a cure. . . . We wish to make it clear," Malin added, "that we do not profess to be experts on the issue of whether there is a causal relationship between the reading or viewing of books and films and the commission of an illegal act, but we know there is a great difference of expert judgement on the matter."

The ACLU favored a House bill to create a commission to study the effect of allegedly obscene material on juvenile delinquency, but this idea died in the lower chamber. A Senate bill to establish a Commission on Noxious and Obscene Matters, based on the assumption that the causal relationship exists, was opposed as establishing, in effect, a national censorship board. A special commission appointed by the state of Massachusetts to investigate the ties between juvenile delinquency and the distribution and sale of offensive publications reported that it had discovered no proof that such publications have even a contributory effect towards anti-social behavior.

STATE LEGISLATION. The Virginia legislature has passed a new law to replace one declared unconstitutional by the state Supreme Court of Appeals because it limited the choice of adults' reading material to those which did not "manifestly tend to corrupt the morals of youth." The new measure follows the language of the U.S. Supreme Court in defining obscenity as works which have as their dominant theme or purpose an appeal to prurient interest. A Rhode Island Superior Court heard a constitutional challenge of the state law establishing a Commission to Encourage Morality in Youth. The suit charged that the law violates free press protections of the First Amendment and due process provisions of the Fourteenth Amendment. As part of its "educational" work the Commission has been circulating lists of volumes it believes to be in violation of the law to wholesalers and retail store owners. Fearing prosecution, the dealers have often stopped ordering the books. Four publishers who brought the suit declared that the Commission actually was halting the sale of books without a prior judicial finding that they violated the law. The activities of the Commission have drawn the criticism of segments of the press as well as of the ACLU's Rhode Island affiliate. The affiliate condemned police officials in a number of cities who had asked local drugstore owners and other dealers to remove from their shelves books criticized by the Commission.

The Governors of Illinois and Ohio vetoed bills which limited the

distribution of magazines and films by unconstitutional means. Gov. William G. Stratton of Illinois vetoed a measure giving Cook County the power to prohibit "obscene" theatricals and exhibitions, stating that it invaded "the constitutional rights of citizens" by failing to include an adequate definition of "obscenity." Gov. Michael V. DiSalle vetoed a bill, backed by the County Prosecutors Association and the Ohio Citizens for Decent Literature, to cancel the exemption of magazines and newspapers mailed under second-class postal permits from prosecution under Ohio nuisance and obscenity laws. Gov. DiSalle called the measure unnecessary because the Post Office already checks on the contents of publications having second-class mailing privileges. He also said it "threatens the constitutional guarantee of freedom of the press and endangers the dissemination of news, which, by some, could be considered lewd or indecent. . . . We must not overlook the harm done to our basic democratic structure should we eliminate such freedom for all because of the abuse of a few," Gov. DiSalle commented in his veto message. A test of the Ohio obscenity law which bars mere possession of obscene literature, backed by the Ohio Civil Liberties Union, is now before the U.S. Supreme Court. The affiliate believes that mere possession by an adult of such material cannot be banned, because it violates the right of privacy and the right to read as well as the Fourteenth Amendment's equal protection clause.

THE LOCAL SCENE. San Francisco and many nearby communities were put in a turmoil over police censorship actions sparked by local Citizens for Decent Literature groups. *(See below for more activities by this group.)* The ACLU of Northern California, which has been in the forefront of the opposition, made it clear that while it is not opposed to any private group expressing its views, when such groups put pressure on newsdealers and distributors to censor books and magazines through the threat of economic boycott or the circulation of lists of objectionable literature, then "the constitutional rights of citizens are in grave danger." A group of San Franciscans inspired a drive to enact a local anti-obscenity ordinance that reached such a pitch that six large bookstores received threats that their stores would be bombed if they did not stop selling books and magazines proscribed by the Vigilante Committee for Decent Literature. The San Francisco postmaster, armed with a San Mateo CDL list, removed 100 publications from the newsstand in the federal building. Said the official: "As far as I'm personally concerned, the test to what is good literature is whether or not I would want my teenage daughter to read it."

Members of the San Mateo City Council and the ACLU of Northern California objected vehemently when the local chief of police, aroused to anger by a picture in *Playboy* magazine, promptly had the issue removed from the stands, and announced that his judgement would be enough for future moves against other "girlie" magazines. The Union affiliate said that it was the police chief's duty to make an arrest if he believed a law was broken, but not to "substitute his own judgement for that of the court's." *Playboy* was barred by the police chiefs of four other area cities, although it remained on sale in San Francisco, Redwood City and Marin County. The publication was also removed

from newsstands in Connecticut, a move which drew the criticism of the Connecticut Civil Liberties Union in a letter to the Commissioner of the State Police, the official who initiated the ban. The CCLU warned that when the Commissioner says a publication is "objectionable" or "actionable" and encourages its elimination from newsstands, he is virtually exercising prior restraint over printed matter, which is protected by the First Amendment's guarantee of a free press.

Following lengthy hearings a Municipal Court judge in Portland, Ore. set aside an anti-obscenity ordinance, the second time within a year that such a measure has been declared unconstitutional. The ACLU of Oregon was the only civic group to oppose the local law before it was voided by the Portland court. A statement submitted to the City Council before the ordinance was passed summarized the affiliate's objections, emphasizing its procedural failings. Among these were the fact that after a summary judgement that a publication was obscene a retailer could not argue in a subsequent prosecution that the publication was not obscene. A state statute prohibiting the sale of books "tending to incite to lustful thoughts" is before the Oregon Supreme Court. The ACLU state correspondent in Alaska lodged a protest with police officials in Anchorage after police ordered the removal of two nude paintings in a local nightclub. Members of the City Council, calling the nudes "works of art," overruled the police.

The situation was different in Milwaukee and Oklahoma City, however, where local review boards were established. The sole voice of protest in Oklahoma City was raised by the ACLU state correspondent, who said the ordinance gives a "small group of persons . . . the power to determine what the citizens shall and shall not be allowed to read." The Minnesota Civil Liberties Union is keeping a watchful eye on a situation that developed after a police raid on a bookstore failed to disclose what the police were sure they would find—"obscene" literature. A grand jury immediately wanted to know if the raid had been tipped-off to the store.

Chicago was the scene of two unusual incidents. The Chicago Transit Authority, a public agency, barred a number of publications from sale on newsstands and defended itself from criticism by the Illinois Division, ACLU by declaring: "This is not censorship, but rather the exercise of our right to say what can be sold on CTA properties." The Union affiliate said that the agency acted capriciously and by administrative fiat, without the use of a standard or definition of what is objectionable material. The agency finally rescinded its order. On the other occasion, a Municipal Court judge directed a verdict of guilty, holding that obscenity is a question of law which a judge can decide without a jury's help. Subsequently, however, the judge granted the defendant a new trial after the U.S. Supreme Court ruled in the *Smith* case that a bookseller had to know that a publication was obscene before he could be prosecuted. Since then the ordinance has been revised to meet the Court's requirement of knowledge.

A Harvard University professor has become enmeshed with the Massachusetts law on obscenity. Dr. John P. Speigel, a psychiatrist, has the backing of the university in pleading not guilty to an indictment charging that he imported obscene photographs from London for pur-

poses of exhibition. Prof. Spiegel said he was using the photographs for professional purposes in a study of "the causes of emotional disturbance." The court contest resembles the seven-year successful battle of the Kinsey Institute against the Customs Bureau seizure of concededly pornographic objects from abroad.

PRIVATE PRESSURE GROUPS. Undoubtedly the most active private pressure group in the nation is the Citizens for Decent Literature, a network which was born in Cincinnati in 1958 and which now has inspired more than 100 similar groups in all 50 states. The organization claims 17 units in Ohio, 14 in California, and eight each in Indiana and Illinois. Prominent citizens, churchmen and political figures are often listed as local sponsors of CDL cadres, as in Portland, where the group is called the Mayor's Committee for Decent Literature. The CDL, which makes no secret of its dissatisfaction with the trend of court verdicts on obscenity prosecutions, is planning a national crusade to "enlighten the public" by forming local branches in every community in the country. The immediate target of the CDL are newsstands and drug stores which sell allegedly obscene magazines and paperbacks. The CDL's method is to "demand action from police, the courts and juries;" it also is campaigning for tougher federal anti-obscenity laws.

The CDL denies that it practices censorship or attempts economic boycotts. "It is merely the exercise of every citizen's right to stand up and be counted, to state his belief in what should be allowed and prohibited in society." Despite the organization's disclaimers, local CDL committees have often resorted to the use of lists of "objectionable" publications which police then use in clean-up campaigns—a technique first developed by the long-established National Office of Decent Literature. A more original method has been the encouragement by the CDL of its members to attend public trials of obscenity prosecutions—a step which forced judicial rebukes by judges in Cincinnati and Indianapolis who were on the receiving end of CDL letter writers. The Indianapolis judge warned that such correspondents could be held in contempt of court. The paths of CDL committees and ACLU affiliates crossed in many localities, among them: Evanston, Ill., where the North Shore Committee of the Illinois Division, ACLU viewed with dismay the CDL campaign, including distribution of placards to stores which have agreed to abide by the CDL's "code of decency;" Youngstown, Ohio, where the Civil Liberties Committee warned against a CDL petition endorsing "any positive action" against the "menace" of obscene literature; Minneapolis, Minn. where the CDL pressed for an ordinance shifting the burden of presumption to the defendant—the display of any "obscene" publications would become prima facie evidence that it was intended for sale. The Union affiliate is investigating the proposal. The York County, Pa. ACLU put on notice a local PTA campaign aimed at removing certain books from newsstands with the statement that "the responsibility of private groups and citizens extends only to the right to refer such problems to law enforcement officers." The Buffalo Youth Board's Salacious Publications Committee has been reinforced by the addition of a pair of policemen who reportedly "suggested" to retailers that they remove offending magazines and books to avoid "running

into trouble" such as being arrested or served with a summons. The Niagara Frontier (Buffalo) Branch, ACLU is watching developments.

CENSORSHIP IN SCHOOLS, LIBRARIES. The National Education Association reported an increase in the number of attempts to censor students' reading lists and textbooks. The NEA sampling was confirmed by a University of California social psychologist who estimated that 29 per cent of California's school librarians normally avoid purchasing so-called controversial books. The usual excuse of the librarians, who say they believe in the principle of "freedom to read," is that the books are "trash" or are on "too advanced a reading level." In 26 California communities studied for the report, libraries removed 56 per cent of books challenged by outside pressure groups and 85 per cent of the books about which library personnel had doubts. In addition, because of the attacks by vigilante groups, many school and public libraries established written rules, albeit vaguely worded, for book purchases. The results of the study closely corresponded with a previous study in New Jersey and librarians in 10 other states who read the report agreed that their communities had endured similar censorship drives. Fiction by John Steinbeck and James Joyce and non-fiction by Karl Marx and Alfred Kinsey are often among the target of such campaigns. Sometimes librarians hid books or placed them "on reserve," at least one burned books. An attempt at legislative interference with the subject matter of textbooks was rejected by the California Supreme Court when it decided that the legislature could not refuse to pay for the printing of two illustrated science texts ordered by the Board of Education. The legislature disapproved the format of the books.

The Florida Civil Liberties Union protested the removal of two modern classics from the required reading lists of Miami high school students in a dispute that made national headlines in almost an anticlimax. This came when U.S. Commissioner of Education Lawrence Derthick said he had never heard of George Orwell's *1984* or Aldous Huxley's *Brave New World*. "I've never heard of those books and I don't think it would be prudent of me to discuss them," the U.S. Commissioner of Education said. The controversy began with an anonymous phone call to the principal of North Miami High School complaining that the books contained "immoral material." The principal was backed by two superiors in the county educational system when he removed the books from the reading lists although neither he nor his superiors were familiar with both books. In a public statement and in an appearance before the school board, the Florida Civil Liberties Union said that the incident had raised serious issues of censorship and academic freedom. "The action . . . also reflects serious inroads on the right of the teacher to teach as he sees. . . . The precedent thus established leaves the school system dedicated to a new standard—the standard of mediocrity. . . . It turns over the school system to those critics who are obsessed with obscenity."

The newly-formed ACLU of New Jersey opened its ledger with an inscription to the credit of civil liberties. The affiliate praised the Clifton Library Board for standing up to community pressure and keeping open a shelf on which such "controversial" novels as *Lolita, Lady Chatterley's*

Lover, and *Peyton Place* had previously been guarded behind a locked glass door. "Who are we to censor books?" asked Board chairman George Qulick. The New Jersey affiliate said: "Censorship in any form has no place in our free society and our libraries as custodians of human thought have a particular responsibility to maintain the open market of ideas." A faculty committee of a Levittown, L.I. public school decided to retain two articles used in a sixth grade "reading kit" after a study prompted by criticism of the articles which appeared in *The National Review,* a conservative publication. The articles were "Alexander Hamilton," reprinted from the *American Stream of History* and another by Norman Cousins in the *Saturday Review of Literature.* The kit was temporarily withdrawn from circulation while the study was in progress. The committee reported that the issue raised by the criticism and the counter-criticism of censorship made when the kit was withdrawn had raised a basic question for local citizens: "Do they really want their children to be taught by the fearful, the unimaginative, the conforming, the dull? It is our heritage to respect and cherish variety in points of view. Insistence upon uniformity of thought is not our way."

HANDBILLS. The U.S. Supreme Court declared unconstitutional a 28-year-old Los Angeles ordinance requiring all handbills distributed in the city to carry the name of their author and distributor. Although the city tried to justify the ordinance as a protection against fraud and libel, the high court majority said it would discourage pamphlet writers and thereby restrict freedom of speech and expression. The decision appears to mark a new frontier of the Constitution's protection of anonymity of expression. The landmark ruling was supported by the ACLU of Southern California, which sponsored the appeal of Manuel D. Talley. Talley was fined $10 in 1958 when he distributed handbills which urged consumers to boycott a local market because it sold products of manufacturers "who will not offer equal employment opportunities to Negroes, Mexicans and Orientals." The majority opinion declared that there was no doubt that the requirement of the law identifying handbill authors would intimidate them. "Anonymous pamphlets, leaflets, and even books have played an important part in the progress of mankind," the opinion declared. "Persecuted groups and sects from time to time throughout history have been able to criticize oppressive practices and laws either anonymously or not at all." The majority opinion relied in part on recent high court decisions holding that the National Association for the Advancement of Colored People could not be required to disclose its membership lists because they might be subject to reprisals. The dissenters said there was no claim or proof that Talley would suffer any injury by signing the handbills. "The Constitution says nothing about freedom of anonymous speech," said the minority. The decision did not concern the federal law requiring the identification of political campaign literature.

Court action was only threatened in Sacramento but it was enough for the city to end a year-long ban on the self-service newsstands of the Socialist Labor Party newspaper, *Weekly People.* The City Attorney had argued with the ACLU of Northern California, which was pressing the issue, that the newspaper primarily supported certain political and

economic views and was not generally sold or delivered throughout the city. Therefore, he maintained, the newspaper was not entitled to sidewalk space for its stands. The ACLU affiliate replied that the tests were abritrary and unreasonable and violated freedom of expression.

2. Motion Pictures

THE COURTS. The U.S. Supreme Court has under consideration an appeal from two lower federal courts challenging the constitutionality of pre-censorship of films. The ACLU and its Illinois Division filed a friend-of-the-court brief arguing against pre-censorship. The test case, based on the refusal of the Times Film Corp. to submit the movie *Don Juan* to prescreening under the Chicago ordinance, may decide whether the film medium is entitled to the same constitutional guarantees against prior restraint of communication that other media enjoy. Previous high court decisions in movie censorship cases touched on the question of whether pre-censorship is constitutional, but the verdicts were decided on more limited grounds of whether the film was, in fact, obscene, or whether definitions of sacrilege and immorality were unconstitutionally vague. Meanwhile, *Don Juan* cannot be shown in Chicago and city officials have shelved a new ordinance curbing juveniles' attendance at certain films pending the outcome of the case.

Chicago is also the scene of another legal dispute over movie censorship, involving the French film, *The Lovers*. But unlike the distributors of *Don Juan,* which refused to submit the film for municipal screening, the distributors of *The Lovers* took the case to the Federal District Court after the police review board, composed of six widows of minor Chicago politicians, refused to license the film. The court refused to upset the ordinance on the grounds that it failed to interfere with movie production. The decision is being appealed. *The Lovers* was judged obscene by three Common Pleas Court judges in Cleveland who said they had scrupulously applied the standard for judging obscenity set down by the U.S. Supreme Court in the *Roth* case. The verdict also resulted in a felony conviction for the theatre manager who showed the film, thus jeopardizing his bid to become a naturalized citizen. Counsel for the manager, who is being assisted by the Cleveland chapter of the Ohio Civil Liberties Union, has pledged to carry the case to the U.S. Supreme Court. The trio of Common Pleas Court judges said that "in evaluating this motion picture the court has been ever mindful of the film taken as a whole and its appeal to the average person and has applied contemporary community standards"—the language of the *Roth* verdict. *The Lovers,* which appeared to be the trouble-making movie of the year, also made censorship news in Portland. The ACLU of Oregon planned to file a friend-of-the-court brief on behalf of a theatre manager who is appealing a Municipal Court conviction for showing the film without a license. The police had ordered two portions of the movie deleted, the theatre refused, and prosecution followed. The affiliate brief seeks to test the constitutionality of the ordinance which contains vague language and sets no standards.

Also on its way to the higher courts is a "model" Pennsylvania film censorship law establishing a three-member Motion Picture Control

Board that was declared unconstitutional in a unanimous decision by the Commonwealth Court in Dauphin County. The state immediately said it would appeal the decision. The opinion said that the new law was "so vague and indefinite as to be inoperable" and that it violated freedom of expression and due process safeguards of the state and federal constitutions. The opinion found that the obscenity standards went far beyond the standards set down by the U.S. Supreme Court and made this additional point: "There is no rational basis for the act's distinction between what may be shown to persons over and under the age of 17." The ACLU of Pennsylvania criticized the law when it was passed in 1959 as "dangerous and unconstitutional" because, among other things, it had the effect of imposing prior restraints by becoming effective *after* a film was shown. *(See last year's Annual Report, p. 22.)*

STATE AND LOCAL ACTIONS. An informal and extra-legal attempt at film censorship, using the device of classification, has aroused trade interest in Memphis, Tenn. There, film exhibitors who had been harassed by the city's board of censors, agreed to publish the movie ratings of the Green Sheet in exchange for an end to attempts by the censors to win a formal film classification ordinance. Green Sheet ratings, approved by the Motion Picture Association of America, are a monthly roundup of opinion of 11 organizations. The agreement put the MPAA in an awkward situation, since it has traditionally opposed all forms of film censorship or classification, and did not visualize that the Green Sheet could be put to that very use. Among the films banned by the Memphis board was *Island in the Sun,* which was labelled "obscene because of its white-Negro romance." Meanwhile, the Texas Council of Motion Picture Organizations took matters directly into its own hands by adopting the report of a committee representing major church denominations as the basis for its own classification system. The service is similar to the Green Sheet, except that the Texas ratings include movie reviews to explain the categories into which films are pigeon-holed. A film classification law passed one house of the New York state legislature but not the other. The result was not viewed as a complete victory for anti-censorship forces, however, since it was considered certain that a similar measure will be introduced next year.

The Milwaukee chapter of the Wisconsin Civil Liberties Union condemned the role of the city's motion picture commission in refusing to allow a showing of *The Lovers.* The affiliate called the action prior restraint in violation of the First Amendment. The attack brought an angry denial from Milwaukee's Mayor, who argued that the commission "is not a censorship body. Somebody's got to scrutinize films before they are shown to the public," he added. The Massachusetts Civil Liberties Union tried to bury the phrase "banned in Boston" but failed, although the attempt won favorable press comment. The issue was touched off by the newly-appointed city censor, who deleted some dialogue and gestures from *Lock Up Your Daughters,* a London hit which folded in Boston. A protest by the Union affiliate brought a ruling from the city law department that the censor could continue to examine the content of films, plays and night club acts for obscenity. Not far from Boston is Taunton, Mass. where the Mayor has proudly

saved his community $3,500 a year by acting as the city's film censor himself. Mayor Cleary said he doesn't see any of the films he condemns, but is guided by the listings of the National Legion of Decency.

BLACKLISTING. The Hollywood blacklist—the first formidable political checklist in the mass media—is easing. Two major independent producers, Stanley Kramer and Otto Preminger, publicly announced that they were hiring writers who had tangled in the past with the House Un-American Activities Committee. In addition, two major studios followed suit by announcing that they would give screen credit to writers previously blacklisted. The studios, Paramount and Universal-International, had previously followed the common Hollywood practice of buying scripts from blacklisted writers who submitted them under an assumed name. An exception to the trend was Frank Sinatra, who first announced he had hired Albert Maltz, one of the original "Hollywood Ten," to do a screenplay and then said he had fired Maltz in deference to "the majority of American opinion." Kramer's decision to hire Nedrick Young was immediately assailed by the American Legion. But unlike past occasions when Hollywood bowed to the Legion pressure, Kramer declared that the Legion itself was "Un-American" when it seeks to "inflict their viewpoint on others." The producer's counter-attack was praised by the ACLU, which said that "by vigorously asserting the principle that an individual should be judged on the basis of his competence and not his political belief, you have affirmed a basic concept of American democracy which the American Legion has long forgotten." The Legion, subsequently, said that it does not attempt to censor films nor to regulate the film industry's employment, but merely tries to "ventilate the record" and supply information to the public. The screenwriter hired by Preminger was Dalton Trumbo, convicted for contempt of the House Un-American Activities Committee, who also will get screen credit from Universal-International for another movie. During Trumbo's days in the underground of the blacklisted he wrote more than 30 films, one of which won an Academy Award.

PRESSURE GROUPS. The Legion of Decency, the Roman Catholic Church's active watchdog of movies' content, is continuing a public discussion of its principles and practices intended to clarify its role to Catholics and non-Catholics. *(See last year's Annual Report, p. 23.)* At the same time, the Legion instituted a new category for films: "adult and not intended for teen-age audiences." The Legion defines its view of film censorship as accepting the "principles of liberty and a minimal amount of legal restraint . . . The area of difference between the Legion and the (Motion Picture) Code is not in the area of theme because the Code can keep a picture moral; the difference is in treatment and this is an area of decency." One Catholic spokesman, John E. Fitzgerald, amusement editor of a Catholic weekly, said that the esthetic judgement of film critics "makes the most sensible classifier of good and bad motion pictures." He defended the right of private groups to classify films, but added that such classification can be binding only on specific groups—parents for their children, a church for its followers, etc. Another Catholic spokesman, J. D. Nicola, a lay member of the Legion's board of consultants, said that the issues raised by "adult" films are

"too complex to believe that legal censorship, mass boycotts or Legion condemnations will provide the overnight answer." Such tactics, he said, "may create more problems than they solve." Despite the publication of such enlightened views, however, some local Catholic groups continue to follow practices other fellow religionists deplore. In Lawrence, Mass., for example, the Mayor and local exhibitors agreed that no movie house would show a film condemned by the Legion and in Delaware County, Pa., the local chapter of the ACLU of Pennsylvania strongly protested the cancellation of *The Lovers* after a local Catholic group threatened an indefinite boycott of the movie house. Protestant denominations are taking a closer look at the content of movies and television programs, but principally from the point of view of pressing the movie industry for stronger self-regulation. Rev. Dr. S. Franklin Mack, executive director of the Broadcasting and Film Commission of the National Council of Churches, defined the church's role as "not so much to get in and regulate, but to strengthen the hands of those . . . in the industry who are . . . aware of the need for integrity."

3. Radio and TV

EQUAL TIME. The 1960 Presidential campaign marked the first time in the nation's history that the candidates of both major parties met face-to-face in a series of "live" TV debates. While applauding the innovation as an effort to encourage more public discussion of national issues, the ACLU urged that stations be required to give minority parties reasonable and equitably-distributed opportunity to be heard. This altered the traditional ACLU position which had been that all political parties—major and minor—must be treated the same under the "equal time" Section 315 of the federal communications law.

The TV debates between the candidates were made possible by Congress' suspension of Section 315 for the 1960 campaign and only with respect to the Presidential and Vice-Presidential nominees. While the ACLU recognized the networks' argument that the large number of small parties who would claim equal time if the major party candidates were presented, has made it impractical in former campaigns to air the latter candidates, the ACLU opposed the suspension for a variety of reasons: under it the minor political parties are likely to get no time at all on the publicly-franchised air-waves and they will lack the legal recourse which they now have under Section 315; the suspension will, in effect, give the Democratic and Republican Parties a monopoly of the communications medium which reaches the greatest number of people and so deprive the public of its right under the First Amendment to hear a wide range of political views; the suspension of the equal time provision for one campaign may open the door for the all-time repeal of the safeguard in its present form, thus legislating a two-party monopoly of the air and endangering the democratic processes.

In its new policy statement proposing a revision, rather than a cancelling out of Section 315, the ACLU recommended that stations be required, as an affirmative obligation under their license to operate in the public interest, to make time available, on either a free or paid-for basis, to all legally-qualified candidates, and also that the networks be

required to grant some free time to all legally-qualified presidential candidates. In the past, under Section 315, broadcasters have been under no obligation to afford time to any political candidate, but have been required to allow equal time to opposing candidates if any single candidate was accorded air time. The ACLU would have the law changed so as to require each station "to afford reasonable opportunity for the use of its broadcasting facilities during the campaign for any public office of local, state or national importance," such opportunity to be afforded "equitably" to the candidates of the various parties, major and minor. The Union would continue the no-censorship clause governing political campaign material.

The Federal Communications Commission, for the first time, implemented the so-called "fair play" amendment to Section 315 exempting newscasts, news interviews, news documentaries and on-the-spot news events from the equal time clause. *(See last year's Annual Report, pp. 24-25.)* The FCC demanded to know why three Little Rock, Ark. television stations carried speeches by local Democratic candidates while the Republican National Convention was going on in Chicago. Station officials replied that they considered the local news more important.

DIVERSITY OF PROGRAMMING. The ACLU supported a measure that would give the FCC broader powers to promote balanced programming without imposing censorship of the airwaves. The law passed by the Congress gave the agency the discretion to grant licenses for a term less than three years. The new law also requires FCC approval before an applicant can withdraw because he has received a financial settlement from a competing applicant, and authorizes a system of fines as an alternative to the revocation of station licenses. The Union praised in particular a fourth provision of the statute which requires an applicant or a person filing for renewal of a license to give notice of his intention in the area to be served by the station. The new procedure should facilitate local hearings by the FCC to determine community sentiment. This change in the law coincided with a new FCC policy requiring applicants for new licenses or renewals to consult with community leaders on programming. "Pre-programming consultation . . .," the Union said, "will . . . make for the better-balanced, more widely-diversified programming to which the ACLU holds the people are entitled under the First Amendment" and the communication law.

In a year marked by prolonged investigation by Congress and the FCC of radio-TV problems, brought on by the TV quiz shows and payola scandals, the ACLU made clear the double-barrelled civil liberties issue: government agencies should not have the power to censor by adding or subtracting program content, but the FCC should "energetically exercise" its power to require the industry to provide the maximum possible range and balance in subject matter and treatment. In this connection, the Union congratulated the FCC on the establishment of a monitoring bureau to determine whether stations fulfill their pledge to operate in the "public interest, convenience and necessity."

A policy statement by the ACLU Board of Directors was aimed directly at the technical problems limiting the number of TV channels

now available to the public which thereby also limit diversity in programming. The statement proposed a gradual shift of the nation's television system to the 70 channels that would be available under an Ultra High Frequency transmission. Only 13 channels are now available to the public under the present Very High Frequency broadcasting system. In a letter to the FCC, the Union praised the initiation of an experimental research program to be carried on in New York City aimed at the improvement of UHF transmission and expressed confidence that the technical difficulties involved in the UHF change-over would be solved if the switch were made mandatory over a five-to-ten-year period, with the VHF system to be retained in the interim. The 70 UHF channels, said the ACLU, should be made available to all types of broadcasters—pay TV, commercial, educational and municipally-owned stations and others operated by non-profit corporations.

4. Access to Government News and Public Records

THE FEDERAL SCENE. The seesaw battle continued between newspapers and the Administration over how much government information the public has a right to know. There were gains and losses on both sides. A five-year study of government secrecy by a House subcommittee concluded that secrecy had grown despite a law passed in 1958 designed to increase the flow of information about official agencies. The tendency, said the report, is evident "from the White House down." The President gave the power to classify information to eight new executive agencies and removed the power from about 30 others. It was still impossible, however, for newsmen to obtain the complete list of which agencies had the power and which did not. The pressure of public opinion was demonstrated by the decision of the Senate to open its payroll accounts (as the House had done previously) after a Federal District Court had rejected a reporter's demand to see the records. The House declined, however, to reveal all the expense accounts of its members despite a newspaper series which documented extravagant charges to the taxpayers.

The ACLU backed an amendment to the Administrative Procedures Act to increase the amount of government news available to the public by making clear that the public information section of the Act does not provide statutory authority for withholding or restraining government information. The Union opposed, on due process grounds, a Senate bill which would permit inspection of all papers on file in federal courts, even those which have not been heard in pre-trial motions. The latter measure was prompted by a ruling of the Federal District Court in Detroit barring newspapers of that city from inspecting filings in civil suits when either party asks for it. The Union said that since the rule provides that the suppression automatically would be lifted when "some phase (of the action) shall be heard in open court, . . . the public's access to information about court proceedings is guaranteed." The ACLU said that on some occasions, such as divorce actions or commitment of the mentally ill, ". . . the subject matter of the pleadings present the danger of exposing individuals to public obloquy or scorn without a fair opportunity to meet the bare allegations. . . ."

IN THE STATES. Twenty of the 50 states have laws guaranteeing open meetings of government bodies and open records. Seven states have open meeting protections only and 12 have only open records guarantees. Thirteen states make no promises on either score.

Maine newspapers lost in their first test of the state's "right-to-know" law when the state Attorney General ruled that the Parole and Probation Board had a right to keep confidential the fact that a prisoner had rejoined society. The official made his decision on technfical grounds, but the Board had argued that disclosure of a release could do great harm to the individual and little good to the community. The Chicago City Council reversed a long-standing rule and permitted radio and television coverage of its sessions. The Illinois affiliate of the ACLU supported the electronic coverage as a matter of press freedom—a right that has already been won in seven other cities. A precedent-making suit may be underway in the Chicago Federal District Court. A reporter and a photographer of the *Chicago Tribune* are suing three policemen and a city commissioner of nearby Aurora after newsmen and cameramen tried to cover a meeting of the city council. A melee ensued.

ACADEMIC FREEDOM

1. Federal, State and Local Issues

THE NATIONAL SCENE. Following mounting objections by leading universities to the provision of the National Defense Education Act which requires students receiving government financial aid to sign an affidavit forswearing membership in any organization advocating violent overthrow of the government, *(See last year's Annual Report, pp. 29-30.)*, the Senate suddenly passed and sent to the House a "compromise" measure which eliminated the disclaimer affidavit. The ACLU Board of Directors, which vigorously supported repeal of the affidavit requirement, opposed the compromise amendment because it too, in effect, subjected loan applicants to a political test. Left unchanged was the law's requirement that any student seeking to qualify for a loan must take an oath of allegiance. This, the Union said, was "unnecessary and discriminatory," though less invidious than the disclaimer affidavit. The latter, the ACLU declared, is in violation of the First Amendment in that it runs counter to provisions for freedom of thought, speech and association, "and the general belief of our citizens that the national government shall not interfere in the management of schools and the right of teachers and students to seek the truth." The amendment approved by the Senate, but not passed upon by the House before adjournment, also provided that no person may apply for or get a loan while he is a member of the Communist Party or any other organization having for one of its purposes the seizure of the government through force and violence; that no person who has been a member of such an organization within five years shall seek or receive aid unless he files a sworn statement of the facts concerning his membership; and that anyone who violates either of these provisions shall be fined not more than $10,000 or imprisoned not more than five years, or both. At the time the Senate acted, 22 institutions, including Harvard, Yale and

Princeton, had withdrawn from the NDEA program in protest against the disclaimer affidavit, while an additional 83 had publicized their disapproval of it. Despite this opposition, the disclaimer affidavit is still in the law. Dr. H. Bentley Glass, professor of biology at Johns Hopkins University and former president of the American Association of University Professors, condemned all loyalty oaths in refusing to serve on the newly-created Radiation Control Advisory Board of Maryland. A second attack on loyalty oaths was delivered by Jack E. Holman, Jr., director of the American Freedoms Council, a new group formed to encourage interest in civil liberties among Roman Catholics. In a letter to the *American Legion Magazine,* Holman disputed the Legion's approval of student loyalty oaths and said "The practice is futile and unwarranted. It is obviously a contradiction to seek to safeguard freedom by lessening freedom."

A report of the ACLU's Academic Freedom Committee on the effects of multi-billion dollar government and private grants for research projects has stirred wide interest in the scholarly community. "Is it in the interest of society to permit the universities to lose a large measure of their authority in shaping the development of their own affairs?" asked the report. The answer, the study said, could best be found through an "objective review of the situation on a nation-wide scale." The Committee's exhaustive comment raised an issue that had been perturbing the campuses for some time. Harvard's dean of admissions and financial aid warned that increasing federal grants carry with them the danger that they will "limit freedom of inquiry and expression." He said "The potential for evil as well as good is enormous." Five months later Harvard initiated a special research project to determine the effect increasing use of federal funds has had on its programs.

The ACLU estimated that two-thirds of the money for all research and development carried out in schools and universities is contributed by the government and that the figure for the physical sciences adds up to 90 per cent, including private foundation and industry allotments. Acknowledging that sponsored research has made "tremendous contributions to American scholarship," the Union statement cautioned that "the dangers of control through subsidy are imminent. . . . We should face squarely the question as to whether we are prepared to break with the long-established tradition which entrusts to universities a large measure of autonomy in their proper functions of education and research—whether we are prepared to replace a significant fraction of this autonomy by a patchwork control exerted by a variety of bureaus with widely differing aims and interests." Among the specific problems involving academic freedom resulting from heavy subsidization, the ACLU listed the following: The necessity of obtaining security clearances for faculty members; the neglect of the humanities and the social sciences in favor of the physical sciences; the burgeoning of so-called programmatic team research at the expense of the highly individualistic investigator; the magnetic influence over even greater funds exerted by well-established institutions, creating even greater difficulties for less-developed schools with younger and less-famous faculty members. Not long after the Union's Academic Freedom Committee reported its findings and conclusions, the government announced an experimental

plan to change a 20-year-old system of alloting funds for science research. The National Science Foundation, which allots more than $58,000,000 to 230 institutions, said it would give universities five per cent of their previous year's grant to use as they see fit on a non-strings-attached basis.

LOYALTY AND SECURITY. The Pennsylvania Supreme Court ordered the reinstatement of four Philadelphia school teachers dismissed by the Board of Public Education in 1954 for declining to answer questions posed by the House Un-American Activities Committee in the fall of 1953 concerning alleged Communist activities. Three of the teachers had relied on the Fifth Amendment privilege against self-incrimination—the Greater Philadelphia Branch of the ACLU had filed a brief with the court on behalf of the trio—and a fourth teacher based her refusal on First Amendment protections. The majority opinion of the court agreed with the contention of the Union affiliate that "a discharge based solely upon the exercise of the privilege against self-incrimination . . . is either an effort to penalize the use of the privilege . . . or it is an effort to punish the guilt which the discharging authorities have inferred from its use. Neither of these motivations from the standpoint of substantive due process is constitutionally permissible." The court declared: ". . . appellants' dismissals . . . because they refused to answer certain questions of the congressional committee . . . deprived them of liberty and property without due process of law and, at the same time, worked abridgement by State action of the same constitutional privilege, all in violation of the Fourteenth Amendment." The court said further that the Fifth Amendment plea "is not relevant as evidence of incompetency"—the technical charge on which the teachers were dismissed.

A similar ruling by the New Jersey Supreme Court reversed the firing, for the second time, of Robert Lowenstein, a Newark school teacher who was ousted on charges of conduct unbecoming a teacher for refusing in 1955 to answer questions of the HUAC. *(See last year's Annual Report, p. 32.)* The unanimous verdict said that the Board of Education must determine whether Lowenstein is fit to teach on the basis of his current beliefs about Communist ideals and democratic principles. Only if information about his past conduct suggests that his answers are less than truthful can his past associations be studied, the court said. By a 5-4 vote the Board refused to reemploy Lowenstein, but another appeal will be taken.

In a move that could eventually decide the validity of Washington state's loyalty oaths for public employees, the U.S. Supreme Court sent back to the state courts the appeal of Howard L. Nostrand and Max Savelle. The two University of Washington professors have been aided throughout their five-year case by the ACLU of Washington. *(See last year's Annual Report, pp. 86-87.)* The court explained its refusal to act on the case by pointing out that the state Supreme Court had not passed on whether an employee who refused to take the oath would get a hearing before dismissal to defend or explain his act.

New York, like Pennsylvania, New Jersey, California and other states, has also conducted loyalty investigations of teachers on the

public payroll. In New York City, an impartial referee has recommended to the Board of Education the dismissal of seven teachers accused of lying about their past Communist Party membership in applications for licenses and promotions. The recommendation, however, is subject to modification by the Board, for whom the cases represented the last phase of an investigation launched in 1955. *(See last year's Annual Report, p. 32.)* The original charges against the teachers were dropped by the Board after the state's highest court had upheld the State Commissioner of Education's decision that teachers could not be compelled to disclose the names of former Communist colleagues. The current set of charges was then drawn up. Students also figured in politically-sensitive developments in New York City. There five students refused to take the oath of allegiance required of all academic high school graduates. At the insistence of the NYCLU the rule was waived in their cases. The Board of Education is considering, as a substitute, an Ephebic pledge of devotion to the city.

The ACLU's opposition to political tests for teacher employment, whether the test seeks to eliminate Fascists or Communists from the schools, was again voiced in an unusual case involving an American-born college teacher who renounced his citizenship on the eve of World War II and went to work in a Nazi radio station. The professor, Edward V. Sittler, resigned from Long Island University's C.W. Post College after publication of his past political record stirred a major controversy. At no time in the dispute, however, was criticism made of Sittler's classroom behavior. The New York Civil Liberties Union and the ACLU's Academic Freedom Committee issued a joint statement on the case re-emphasizing the Union's basic philosophy: "In the absence of substantial evidence of perversion of the academic process, the ACLU opposes the prohibition in educational employment of any person based even in part on his views or associations, such as Communist or Fascist. . . . The central issue in considering a teacher's fitness is his own performance in his subject and his relationship to his students."

A Colorado school teacher, Robert Lehrer, also refused to answer questions of the HUAC and was temporarily taken off his teaching assignment. When Lehrer later signed the state loyalty oath required of teachers he was permitted to return to his fourth and fifth grade pupils. The Florida Civil Liberties Union has intervened in a court test of the state loyalty oath prompted by the refusal of a high school teacher with nine years' tenure to sign the oath. The Illinois Division, ACLU took pleasure in the decision of the Chicago school board no longer to ask applicants to list their "un-American activities."

NON-POLITICAL ISSUES. The ACLU of Northern California is supporting the appeal of a social studies teacher in a junior college who was fired after writing five letters-to-the-editor in the local newspaper that were pungently critical of public education in Lassen County and also assailed bureaucracy in the California Teachers Association.

The right to express an opinion on free love was at issue in the case of assistant professor Leo Koch of the University of Illinois, who was dismissed for publicly advocating pre-marital sexual relations for college

students "sufficiently mature to engage in them without social consequences and without violating their moral codes." Koch's views were published in the college newspaper as part of a discussion on sexual ethics. The Illinois Division, ACLU, which is supporting the teacher's appeal of his dismissal, charged that the university committed "a serious breach of academic freedom" by violating a faculty member's right to engage in public discussion on any topic. Koch's views, the affiliate declared, were expressed without "vulgarity or sensationalism" and were a serious contribution on a matter of "genuine concern."

Two young instructors at Kentucky State College were ousted for helping students plan strategy in demonstrating against student rules. The Kentucky Civil Liberties Union said the firings violated due process protections because the teachers were not given 10 days' notice in writing and a hearing by the college governing board, as provided by state law. The university president claimed that the two were only temporary employees and so were not covered by the statute.

STUDENT RIGHTS. The Administration and student body of the University of California continued to remain at odds over a number of free speech issues. *(See last year's Annual Report, p. 33.)* The Administration finally permitted student groups and publications to take public stands on off-campus issues, but refused the student government organization the right to do so on the ground that membership in the school-wide group was compulsory. The ACLU of Northern California objected to this restriction as well as to others limiting the rights of students to be heard on controversial subjects.

2. Pressures Arising from the Integration Conflict

Repercussions from the wave of lunch counter sit-in demonstrations throughout the South were felt immediately on the campus—even in colleges north of the Mason-Dixon line. The movement was born among Negro college students and it was against them and their allies among the faculty that state authorities and college officials took punitive action which violated academic freedom. The ACLU strongly supported the peaceful protests against lunch counter discrimination and condemned expulsions of students and dismissal of faculty members who joined with them in one of the most remarkable and effective mass protests in recent years. *(For a full report of ACLU action on the sit-ins, see p. 47.)* In Alabama, for example, one reaction of Gov. John Patterson to the sit-ins was to fire Dr. Lawrence D. Reddick, chairman of the history department of Alabama State College, a Negro school. Previously, the State Board of Education publicly called for the firing of 11 faculty members who had supported nine students expelled for their role in the demonstrations. In two telegrams to Patterson, the ACLU first called on the Governor to assure the faculty members that they would be retained "despite the bitter feeling about the race segregation issue," and later protested his firing of Reddick on the charge that the latter had Communist associations. Since no charge was brought that Dr. Reddick had misused his academic position and no hearing was held, the Union said to the governor, "We fear that you and the state Board of Education have fallen into the error of equating Communism

with the indigenous Southern movement to attain racial equality by non-violent means. A loose charge of this nature can only further excite public feeling and impede rational consideration of the ways and means by which a minority group can achieve constitutional rights."

A University of Mississippi law professor who taught that the U.S. Supreme Court decision on desegregation was the law of the land was a target of a state representative who also cited the professor's membership in the ACLU as reason why he should be ousted. The teacher, William P. Murphy, struck back hard, declaring that, "I do not intend to give up my membership in the ACLU because of attempted political intimidation. I do not intend to tailor my teaching to satisfy any cult of crackpots, fanatics and willful ignoramuses." A bitter dispute rocked the faculty of the Vanderbilt University Divinity School over the expulsion, for his role in sit-in demonstrations, of the Rev. James M. Lawson, a graduate student. The dean of the Divinity School resigned, as did eleven of the school's faculty members; of these, nine withdrew their resignations when the university offered to allow Lawson, who had entered Boston University, to return to Vanderbilt to take examinations in order to earn a Vanderbilt degree. An Arkansas law requiring public school teachers to list all organizations to which they belonged or contributed during the last five years has been accepted for review by the U.S. Supreme Court. A federal court has already struck down another Arkansas law which barred employment to any teacher who was a member of the NAACP.

A Tennessee Circuit Court judge has refused a new trial to the Highlander Folk School, thus clearing the way for an appeal to the state Supreme Court of a ruling that integration in private schools in the state is unlawful. *(See last year's Annual Report, p. 35.)*

RELIGION

1. Church and State: Education

RELEASED TIME. The state Supreme Courts of Washington and Oregon upheld the validity of released time programs for religious education. The Washington court, dealing with the constitutional issues raised by a group of Spokane parents, said that while several aspects of the program were improper, it did not invade federal and state guarantees for the separation of church and state. The court did object, however, to the school distribution of consent cards for parents' signatures as well as to announcements by teachers or representatives of religious groups. This, the opinion said, makes of the children "a 'captive audience' to participate in a religious program" contrary to state constitutional protections barring public schools from sectarian influence. A friend-of-the-court brief, submitted by the ACLU of Washington State, had dwelt on the fact that since the released time program is conducted by the Spokane Council of Churches and thus, in effect, is restricted to Protestant children, it has segregated non-Protestant children in violation of the Fourteenth Amendment. The court rejected this argument. The Oregon Supreme Court verdict, which reversed a lower court ruling, was restricted to the technical

issue of whether the statute was sufficiently clear in naming the authority responsible for releasing the children or to provide who would be punished for violations. The state high court found the statute sufficiently clear on these points.

BIBLE READING AND RELIGIOUS TEACHING. A special three-judge federal court has refused to set aside its order banning Bible reading in the public schools of Pennsylvania despite a change in the state law allowing children to be excused from the Bible reading on the written request of a parent. The Greater Philadelphia Branch of the ACLU supported the original test case, the first in the federal courts. *(See last year's Annual Report, p. 38.)* This case, which was brought by Mr. and Mrs. Edward Schempp, was appealed to the U.S. Supreme Court which sent it back for further hearing.

One of the most closely watched court cases in recent years was brought by the Florida Civil Liberties Union in attacking a wide range of religious practices which have long been a fixture in the state's public schools. *(See last year's Annual Report, p. 37.)* These include Bible reading, use of school buildings for religious instruction after hours, and religious pageants. The FCLU is backing Harlow Chamberlain, an agnostic, in his suit, which has been joined by three Jewish parents (backed by the American Jewish Congress) and one Unitarian. Although the Dade (Miami) County school board passed a resolution making participation in religious practices voluntary, the parents contend that social pressures compel their children to attend. The Greater Philadelphia Branch of the Union requested the State Superintendent of Public Instruction to instruct all local officials not to permit baccalaureate services in public schools.

PAROCHIAL SCHOOL AID. The recurrent debate over state aid for transportation of private and parochial school students has been renewed in several states. The Connecticut Supreme Court upheld the state law giving towns the local option of whether to pay for non-profit private school bus transportation entirely out of local taxes. The majority opinion said the law "comes up to but does not reach the 'wall of separation' between church and state" and primarily serves "the public health, safety and welfare. It aids the parents in sending their children to a school of their choice, as is their right," the opinion added. A new law passed by the New York state legislature may eventually lead to the U.S. Supreme Court. The law guarantees private and parochial school pupils the same free transportation provided for public school children. The New York Civil Liberties Union is already backing an appeal in the state Supreme Court from the State Education Commissioner's ruling that voters of a school district can authorize travel for students no matter what the distance is. In the current suit a Long Island taxpayer is contesting the results of a voters' referendum which subsidized travel expenses for private and parochial school pupils who in some cases have chosen to go to schools 35 miles away. The affiliate said that the Constitution "requires that a limit be put on the transportation to parochial schools" and that in the current case, the distance infringes the separation of church and state demanded in the First and Fourteenth Amendments. The Maine legislature killed a bill providing

for local option on the same issue a year after the state Supreme Court ruled that existing law did not allow public funds to be spent on transportation of parochial school pupils. A Minnesota state legislator sought to win such aid for such students but the move was vigorously opposed by Protestants, Jews, non-church affiliated people and the ACLU's Minnesota affiliate. The question of bus transportation for students in sectarian schools has been a lively state issue and probably will remain so since the U.S. Supreme Court ruled in 1947 in the *Everson* case that no federal constitutional issue was raised by the free travel arrangements. The high court left open, however, issues of legality under state constitutions and matters of administrative regulation.

The *Everson* case was one of two U.S. Supreme Court precedents cited by an Oregon Circuit Court judge in upholding the constitutionality of a state law requiring local school boards to furnish free textbooks at public expense to parochial school children attending qualified institutions. The decision was unusual in that the judge added his personal comment that he "emphatically . . . dissents from a decision I am required to make as a result of the majority opinion of the U.S. Supreme Court." The case will be carried to the high court, however, by the ACLU of Oregon, which supported the suit of three Oregon City taxpayers. Answering the affiliate's contention that the *Everson* case was not binding on the textbook test, Judge Homan pointed out that "transportation to a parochial school is a direct aid to the religion that is taught there, while the most that can be said of secular textbooks is that they are an indirect aid to religion in that they help the operation of the educational process which is used for religious purposes. If direct aid is permissible, an indirect one must be. In principle, I cannot distinguish the decision in the *Everson* case from the present one."

In other cases involving public aid to parochial schools, the Greater Philadelphia Branch of the ACLU endorsed the use of public money to supply health services on the grounds that inferior health services would constitute discrimination because of religion, thereby inhibiting religious liberty; the Civil Liberties Union of Massachusetts opposed on First Amendment grounds an unsuccessful bill proposing state payment of tuition to parents whose children attend non-public schools.

COMPULSORY EDUCATION. Strict religious observance by the children of Amish parents and members of other religious sects continued to cause friction with state school officials over the issue of compulsory education. The ACLU recognizes the state's right to impose minimum educational standards but believes that every effort should be made to safeguard religious liberty of dissenters. The mediatory role of Union affiliates in York and Lancaster counties in Pennsylvania, for example, helped to settle a heated controversy between Amish parents and state officials. The state had threatened to prosecute Amish parents who refused to admit their children to the "worldly" atmosphere of a new $2,000,000 school, but the threat was dropped when the Amish agreed to send their children to another public school or to open a parochial school that meets the state's standards. The Indiana Civil Liberties Union offered help to the parents of Amish children in Decatur who were declared "juvenile delinquents" by a court and whom the

state threatened to place in foster homes for failure to attend public school. The sect's own school failed to meet state requirements.

2. Church and State: The General Public

"BLUE LAWS." The U.S. Supreme Court considered Sunday "blue laws" for the first time since the turn of the century, taking up federal court suits in Maryland, Massachusetts and Pennsylvania. Approximately 35 states now have laws curtailing work and business on Sunday. A conflict between Federal District Courts in Massachusetts and Pennsylvania may have encouraged the high court, after 59 years, to review the problem even though it refused last year to hear the appeal from an Ohio "blue law" conviction. *(See last year's Annual Report, pp. 41-42.)*

Seven months after a special three-judge federal court ruled that the Massachusetts Lord's Day Act, dating back to colonial times, violated constitutional rights by favoring one religion over another *(See last year's Annual Report, p. 42.)*, another three-judge federal court in Philadelphia upheld Pennsylvania's Sunday closing law in denying an injunction sought by Two Guys From Harrison, Inc., a highway discount house with a branch also in Glen Burnie, Md. The store owners claimed that since other retail firms were permitted to sell goods on Sunday, they suffered discrimination. The state was upheld in its argument that since it could properly prescribe one day of rest each week for each citizen, it could choose the day favored by the majority—Sunday. In a brief filed with the U.S. Supreme Court, the ACLU declared: "The automobile age, the distance of shopping centers from concentrated areas of population, the demands of minorities to observe their own days of rest for purposes of religious worship, the need of the public for manifold forms of recreation and entertainment on their day of rest: all these call upon the judicial arm of our government to protect the right of all men to choose their form of rest and worship and also the time of rest and worship so long as it does not interfere with the right of others to enjoy their days of rest and worship. . . ." New Jersey, another state in which arrests for "blue law" violations have spurred public debate, was upheld on the constitutionality of its statute by the state Supreme Court.

PLANNED PARENTHOOD. The U.S. Supreme Court heard a challenge of Connecticut's 80-year-old anti-birth control law which makes it illegal to prescribe and use contraceptive devices. The ACLU and the Connecticut Civil Liberties Union filed a friend-of-the-court brief supporting the test of the state law. Previously, the CCLU had filed a brief with the state Supreme Court of Errors which upheld the constitutionality of the law while noting that "the claims of infringement of constitutional rights are presented more dramatically than they have ever been before." Still, the court added, "(we) cannot abrogate a clear expression of legislative intent, particularly when the legislature has consistently refused to rewrite the existing legislation." *(See last year's Annual Report, pp. 42-43.)* The ACLU opposes state laws prohibiting the sale and use of contraceptive devices as a violation of the due process guarantees of the Fourteenth Amendment and the "right reserved to the people by the Ninth and Tenth Amendments to live.

enjoy liberty and pursue happiness free of unnecessary government restraint." In Arizona the Planned Parenthood Committee of Phoenix and the Arizona Civil Liberties Union have asked a County Superior Court to rule on the constitutionality of a state law prohibiting the dissemination of birth control information. The ACLU affiliate's suit contends that the ban violates free speech and due process protections.

OTHER ISSUES. The Maryland Court of Appeals, the state's highest court, has refused to license a notary public because he refused to take an oath that he believes in God. The ACLU backed the appeal of avowed atheist Roy R. Torcaso to the U.S. Supreme Court on the grounds that a state does not have the power to inquire into a man's religious views and that a man has the right to disbelieve without suffering discrimination. The Maryland court declared that ". . . under our Constitution disbelief in a Supreme Being, and the denial of any moral accountability for conduct, not only renders a person incompetent to hold public office, but to give testimony, or to serve as a juror. The historical record makes it clear that religious toleration . . . was never thought to encompass the ungodly."

3. Problems of Conscience and Religious Freedom

MILITARY SERVICE AND ROTC. The Universities of Maryland and Illinois reversed long-standing rules and permitted conscientious objectors to be exempt from ROTC programs. The switch left the University of California as the only college which denies exemptions to C.O.'s. The Universities of Rutgers, Utah State and Wisconsin have voluntary ROTC programs. While the old policy prevailed at the University of Maryland one student was suspended for refusing to continue military training on grounds of conscience and two others who served their civilian draft duty as C.O.'s were denied exemptions from ROTC and brought suit against the school. The pair, Kenneth Hanauer and Jack Crabhill, took their case to the U.S. Supreme Court but were denied review.

CITIZENSHIP. An English citizen who became a resident alien in the United States in 1949 and served in the Army has been denied his naturalization petition on the grounds that his conscientious objection claim was based on "internationalist" rather than religious beliefs. The government said he was unable to take the oath of allegiance and that he had failed to establish that he was attached to the principles of the Constitution. The petitioner, 31-year-old Eric Victor Levy, appealed the finding of the naturalization examiner to the Federal District Court in Los Angeles. A Quaker C.O. who received a "loss of nationality" certificate in 1954 was able to return to this country after a review board found that he had not voluntarily expatriated himself by failing to register for the draft.

OTHER CASES. ACLU executive director Patrick Murphy Malin urged the reinstatement of William R. Martin, an aide to the Senate Republican Minority, who was fired because he urged Washington high school students to register as conscientious objectors when they are

called to the draft. In a letter to Mark Trice, Secretary for the Minority, Malin said that Martin's expression of opinion "was hardly relevant to (his) administrative duties and it would seem that he was punished for speaking out on a controversial subject." Although Martin's dismissal does not violate any law, the ACLU official added, "we believe it does infringe on the spirit of the First Amendment . . . and we are particularly distressed that an important arm of the Senate has penalized an individual for exercising his right of free speech." Martin, a political science student at George Washington University, was a member of the Friends Meeting of Washington and chairman of the Washington Young Friends. The ACLU of Northern California and San Francisco school officials have agreed that students who have conscientious objections will be exempted from saluting the flag or reciting the pledge of allegiance. Previously, city school regulations exempted only students who claimed a "conscientious *religious* objection." The ACLU affiliate pointed out that the word "religious" has been dropped, in conformity with a 1943 U.S. Supreme Court decision which held that no citizen could be required to affirm any belief for any reason whatsoever. The Iowa Senate voted to allow C.O.'s to hold civil service positions, revoking a state law that had been on the books since 1917.

GENERAL FREEDOM OF SPEECH AND ASSOCIATION

1. Right of Movement

PASSPORTS. Ever since the U.S. Supreme Court ruled in June, 1958 that Congress had not authorized the State Department to withhold passports on grounds of suspected Communist affiliation or to ask applicants questions about their political beliefs *(See 1957-1958 Annual Report, pp. 35-36.)*, each congressional session has been the scene of attempts to override the high court decision despite the fact that there has been no demonstrable need for broader government powers. The 86th Congress was no exception. After the House adopted a less stringent measure, the Senate Judiciary Committee approved an omnibus security bill which featured a restrictive passport section but the full Senate did not act on it. The bill would have forbid issuance of passports to persons who had been members of the Communist Party or supporters of the international Communist movement since Jan. 1, 1951; permitted the Secretary of State to place geographical limitations on travel; required an oath to give the State Department "a full and accurate report concerning the places visited;" allowed the denial of passports on the basis of confidential information; and granted exclusive passport review power to the State Department.

The ACLU opposed this proposed legislation, asserting that a citizen has the right to travel as part of his personal freedom and can be denied a passport only if he is involved in a court action that imposes a legal obligation to remain in this country. The Union also protested the power of the Secretary of State to deny passports to Communists or others simply because he feels that their presence abroad would be

harmful to the security of the United States. If a person has committed a crime, the Union believes, he should be arrested and charged, not deprived of his liberty by administrative fiat. Moreover, where there has been a delay or refusal by authorities to issue a passport, the applicant is entitled to a prompt due process hearing including full disclosure of the facts—through confrontation and cross-examination—on which the administrative action was based.

WORTHY CASE. The U.S. Supreme Court refused to review the appeal of newsman William Worthy, whose case had been supported by the ACLU for four years, in a direct challenge of the constitutionality of the government's right to limit the peace-time travel of its citizens. In commenting on the high court's refusal to hear the appeal from the U.S. Court of Appeals in Washington, D.C., ACLU executive director Patrick Murphy Malin said that the Worthy case had "particular significance because of the effect such a ban has on the right to receive information from foreign correspondents." Malin added that the refusal to review left undisturbed the lower court's finding that the Secretary of State is authorized, under the President's power to regulate foreign affairs, to restrict travel to areas he considers harmful to United States interests. *(See last year's Annual Report, p. 48.)*

2. The Vote: Minority Parties and the Right to Franchise

REAPPORTIONMENT. The U.S. Supreme Court accepted for review a citizen's suit to force reapportionment of the Tennessee legislature, encouraging hopes that the high court will act on a growing number of such cases that have been thrown out of lower federal courts on the basis of the high court's 1946 decision that reapportionment is a "political" matter and therefore not subject to judicial review. A three-judge federal court in Tennessee, for example, dismissed the suit saying that it had no right to intervene while at the same time acknowledging that a "clear violation" of the federal constitution was involved. The ACLU and several of its affiliates, especially in Minnesota and Michigan, are taking an active role in pressing for equitable representation of voting rights.

The Tennessee suit was based on the fact that although the state constitution calls for reapportioning the voting districts after each federal census, no such action has been taken by the legislature since 1901. Basing its claim on the grounds that the present "inequitable" distribution of seats deprives them of equal protection of the law under the Fourteenth Amendment, the citizens' group started federal court action to force reapportionment. The group called for election of the next legislature at-large by voters generally rather than by districts, or by temporarily apportioned districts set by the Federal District Court. The court, however, held that to grant the petition would result "in a destruction of the state government itself, since the *de facto* doctrine would not be applicable to maintain the present members of the legislature in office and there would be no prior valid apportionment act to fall back upon."

A similar suit in Minnesota, supported by the Minnesota Branch of

the ACLU, finally brought some improvement in state re-districting in 1959, but the affiliate is strongly opposing a constitutional amendment which would take effect after the 1970 census. The Minnesota Branch said that while the principle of equality is observed in allocating House seats, it is completely abandoned in the Senate.

The Metropolitan Detroit Branch of the ACLU also actively took part in an attempt to win a change in determining state Senate districts. In a brief before the state Supreme Court on behalf of August Scholle, president of the state AFL-CIO, the Union affiliate anticipated reliance on the U.S. Supreme Court decision of 1946 by declaring: "We believe . . . that any court . . . may properly and should exercise its jurisdiction to protect important constitutional rights even though they arise in a 'political' context. In a democratic society," continued the brief, "every citizen should have a right to vote and the votes of all citizens should be of equal value. The Michigan senatorial districts . . . arbitrarily give citizens in some districts votes of one-twelfth the value of those of citizens in other districts. . . . Disfranchisement by dilution has resulted in the vote being weighted so heavily in favor of the rural areas that in effect there exist in Michigan two classes of voters—first and second. We have an 'Alice in Wonderland' situation where the minority of the voters has been accorded first class citizenship and the majority has been accorded second class citizenship. . . ." The Michigan Supreme Court, by a 5-3 vote, disagreed with the Detroit affiliate's position. The high court ruled, in line with the U.S. Supreme Court's reasoning, that the malapportionment issue is "political" and not within its purview. An appeal is now before the U.S. Supreme Court.

The highest court of another state, New Jersey, squarely met the issue raised by the inaction of the state legislature in facing changing population distribution. "If by reason of time and changing conditions," said the state Supreme Court in a unanimous verdict, "the reapportionment statute no longer serves its original purpose of securing to the voter the full constitutional value of his franchise, and the legislative branch fails to take appropriate restorative action, the doors of the courts must be open to him. The lawmaking body cannot by inaction alter the constitutional system under which it has its own existence." The court said the legislature must act by the 1961 primaries.

Home rule advocates in Washington, D.C. scored their first victory when Congress passed a bill amending the Constitution to allow residents of the nation's capital to vote in Presidential elections. The amendment must be approved by two-thirds of the states.

MINORITY PARTIES. The apparently unintentional omission of a petition section from Minnesota's recodified election laws has not infringed on the right of minority parties to nominate candidates for public office, according to the state Attorney General. The missing section, which had been included in past state election laws, required minority parties to submit a petition signed by 2,000 persons to insure the right of a party to appear on the ballot. The danger that the omission might be used to block the inclusion of minority parties on the ballot had been brought to the attention of the Minnesota Branch of the ACLU by the Socialist Labor Party. The Maryland Branch of the

ACLU lost an appeal in the Baltimore City Criminal Court on behalf of a substitute school teacher who was given the choice of resigning or being fired after he was arrested by police on a disorderly conduct charge. The incident arose when the teacher was attacked and heckled by a crowd of high school students for selling a Socialist Party newspaper on the sidewalk.

3. Right of Assembly in Public Facilities

ROCKWELL CASE. . . . "No danger flowing from speech can be deemed clear and present, unless the incidents of the evil apprehended is so imminent that it may befall before there is opportunity for full discussion. . . ." Thus wrote U.S. Supreme Court Justice Louis D. Brandeis in 1927 and the words have remained as guideposts for the ACLU in defending the right of free speech for spokesmen of unpopular and even despicable causes. The Union's position has been stated many times on behalf of many controversial speakers—Communists and Fascists, integrationists and segregationists—but in recent years few incidents have created a public and emotional furor to match the case of George Lincoln Rockwell, self-styled leader of a band of 30 men who call themselves the American Nazi Party.

The ACLU and the New York Civil Liberties Union, although expressing strong opposition to Rockwell's anti-Semitic, anti-Negro views, is supporting his right to be heard in a public park in New York City. A Parks Department permit for the meeting, scheduled for July 4, was refused by Mayor Wagner. The Mayor's refusal to grant the permit was based on the assertion that to do so would be "an invitation to riot and disorder from a half-penny Hitler," although the Police Department had previously declared that it could furnish the necessary protection. Criticizing the Mayor and several organizations which had sought to bar the domestic Nazi from speaking, the NYCLU declared: "While recognizing the strong emotional feelings on the part of many New Yorkers towards Rockwell's views, the NYCLU does not believe that a city official should precensor any speaker. In the Union's view, speech can be limited only when a speaker urges immediate violent action and there is a real danger that his followers will act then and there on his incitement. This 'clear and present danger' limitation applies only to violence urged by the speaker. It does not apply to threats of violence by his opponents, (or even actual attempts to carry out such threats), although, of course, opponents of the speaker have every right . . . to peacefully express their views."

The NYCLU pointed out that unless the right of "provocative" speech is upheld, even for white supremacists, "it cannot be defended for other persons who advocate policies with which the democratic-minded members of the community agree—for example the freedom of speech of the NAACP and the 'sit-in' students." The NYCLU highlighted the comparison by underscoring the fact that both Mayor Wagner and Governor Faubus acted under the mere "threat" of mob action. "In both cases," the NYCLU said, "although the local police force said it could handle the situation, the pressure of the mob won out." The affiliate's forthright stand in the Rockwell case was supported over-

whelmingly by the local press and by most newspapers who commented on the affair throughout the country. "Rockwell is not going to shake the foundations of this Republic," noted *The New York Times*. "If he were left quietly to speak his piece, however revolting and abominable it is, he would create no impact. It is only when he or his henchmen are throttled, or physically attacked as one of them finally was in Washington, that they achieve the attention they crave, and we begin to chip away at the structure of the free and liberal society in which all of us believe—all but the Rockwells, the extremists of Right and Left." In the first round of court action, a New York state Supreme Court judge ruled that "self-confessed advocates of violence" are not entitled to free speech protections of the Bill of Rights. The decision will be appealed.

Before the legal battle opened in New York, the ACLU was involved in a previous defense of Rockwell in Washington, D.C. on disorderly conduct charges sparked by a scuffle when an irate bystander tried to grab a pile of Rockwell's handbills. The literature advocated the forced resettlement of Negroes in Africa and urged the liquidation of Jews. In a memorandum explaining its intervention, the Union said that it regarded the views contained in the pamphlet abhorrent and that it understood the feelings of those who tried to put an end to its distribution. But, added the Union, "to condone such action would leave free speech completely at the mercy of individuals to whom the ideas expressed are repugnant." The charges against a Rockwell cohort and the bystander were dismissed.

The Rockwell case arose while memories were still fresh with an outbreak of anti-Semitism in this country and abroad that expressed itself chiefly in the defacement of synagogues by painting swastikas on the walls. The daubings of synagogues were not defensible, the ACLU said. "Such action steps over a line . . . the line between speech and direct action," said ACLU executive director Patrick Murphy Malin. "And the law (against attacking persons or property) can be applied when such action is taken—whether by boys defacing a Jewish synagogue in New Haven or men bombing a Negro leader's home in Alabama."

PUBLIC MEETINGS: The protests of the ACLU of Northern California were sustained when the City Attorney of San Francisco ruled that regulations limiting the use of Union Square park "to projects of significant civic or national importance" were unconstitutional. The regulations also sought to bar the use of the park "for political or sectarian religious purposes." The affiliate said the rules were discriminatory and violated freedom of speech. At the request of the Greater Philadelphia Branch of the ACLU, the Police Department issued a supplemental directive which made clear the right of every citizen "to make a speech on any lawful subject he chooses to a public gathering" without a permit. The request was made after police interfered with a pacifist demonstration.

USE OF PUBLIC SCHOOLS. The California Supreme Court granted an appeal by the ACLU of Southern California in two test cases

that may decide the constitutionality of requiring a "non-disloyalty" oath from groups seeking to use public high schools. *(See last year's Annual Report, p. 51.)* After winning an early legal round, the affiliate was set back in the District Court of Appeals which upheld the oath requirement. "The restriction is slight," said the court, "and the danger is great. . . . If the state cannot go at least this far in protecting its own interest, it is powerless to act in any effective manner." The cities involved in the suit are Los Angeles and San Diego. In the latter city folk singer Pete Seeger performed in a public high school without having to sign a loyalty oath. The performance took place less than 10 hours after Seeger appeared before a Superior Court judge with attorneys of the affiliate. The judge ruled that school authorities had no power to impose the oath since Seeger's business manager has already signed the oath and other contractual agreements must be met.

OTHER CASES. A Federal District Court judge agreed with the New York Civil Liberties Union that a restaurant in Central Park and the city's Parks Commissioner must stand trial for refusing the facilities to the Committee to Secure Justice for Morton Sobell. He said that while a private business was not affected by the anti-discrimination provisions of the Fourteenth Amendment, the restaurant in the park, operating under a lease from the city, "is far from an ordinary private business enterprise." The ACLU, in New York, Iowa, Pittsburgh and Washington, D.C., supported peaceful picketing by refugee groups and others of the visit of Soviet Premier Khrushchev to this country. The Pittsburgh branch protested that city police had taken signs from the pickets on the request of Russian secret police. In Iowa, where members of Jehovah's Witnesses frequently run into conflict with veterans and civic groups, the members of the Marshalltown Memorial Coliseum Commission rejected the demand of five veterans organizations and voted to allow the sect to use the Coliseum for a meeting.

4. State and Local Controls

RIGHT TO LICENSE. The ACLU of Southern California will take an appeal to the state's District Court of Appeals of a test of a loyalty oath required of state officials, including applicants for a notary public commission. The suit was brought by A. L. Wirin, counsel to the affiliate, who attempted to draw a distinction before a Superior Court judge between a general state-wide oath and a relevant inquiry into political beliefs. Wirin told the court that he was opposed to such oaths on grounds of principle, religious beliefs and conscience, but stated in response to questions that he was not and never had been a member of the Communist Party and did not believe or advocate the violent overthrow of the government. The suit claimed that the oath put the burden of proof on the citizen, in violation of the U.S. Supreme Court's ruling in the California tax oath cases *(See 1957-1958 Annual Report, p. 31.)*, and that it also invaded the right to privacy and opinion. The lower court held, however, that Wirin's willingness to answer specific questions indicated that his objections were not based on religious grounds.

The Southern California affiliate may be nearing the end of the legal

road to win a license for Raphael Konigsberg, a lawyer whose appeal will be heard for the second time by the U.S. Supreme Court since the struggle first began six years ago. *(See 1957-1958 Annual Report, p. 39 and last year's Report, p. 54.)* Consistently refusing to answer questions regarding his membership in the Communist Party, Konigsberg has twice been disqualified by the California State Bar although he has met all the requirements for admission, including firm denials that he ever advocated violent or forceful overthrow of the government.

The New York Court of Appeals, the state's highest tribunal, has upheld the disbarment of a lawyer after 37 years of practice on the grounds that he pleaded his constitutional privilege against self-incrimination in a judicial inquiry of illegal and unethical conduct. The NYCLU filed a friend-of-the-court brief in the case, maintaining that the disbarment violated due process guarantees of the Fourteenth Amendment by destroying a reliance on a constitutional refusal to testify against one's self.

OTHER CASES. An employee of the Federal Aviation Agency who was restored to his job on the orders of a Federal District Court again faces dismissal. The charge this time relies on "the efficiency of the service." The old accusation rejected by the court was "disgraceful personal conduct" committed six years before the employee was ever hired. The Colorado Branch, ACLU, which defended the employee on the first go-round, is defending him again. The argument is based on a U.S. Supreme Court decision that pre-governmental activities cannot be used against an individual now in government service. Upon the request of the Illinois Division, ACLU the Due Process Committee of the ACLU considered whether it was an invasion of privacy for a state to release normally confidential Social Security information to other state agencies in order to help locate parents who deserted their families. The Committee concluded that in this very special case, the claim to privacy was outweighed by the right to locate an absconding parent. The Niagara Frontier (Buffalo) Branch of the Union also considered the ends and the means of an issue when it objected to the New York State Crime Commission over the distribution of a questionnaire to Buffalo policemen in the course of an investigation into police corruption. The Branch said the public regarded the questionnaire, unfairly, as an assumption of guilt by the entire police force. "This is manifestly unfair," said the Branch, and suggested that the Commission find "other and proper methods" to obtain the information.

AMERICAN LEGION. The California Department of the Legion wound up its annual convention by demanding that the Senate Internal Security Subcommittee investigate the ACLU. The ACLU of Northern California said it has nothing to hide and would welcome an investigation of its activities by the Legion itself. The day before the resolution was passed, hundreds of Legionnaires roughed-up four college student pickets who were parading in front of the meeting auditorium. The conventioneers destroyed their signs, searched their automobiles and tore up a reporter's notes of the incident. The following day San Francisco police protected from Legion harassment 150 pickets who

showed up and the ACLU affiliate praised the police for its commendable, though belated, action. The state of Washington Department of the Legion, in contrast to its California colleagues, took a civil liberties step forward when it voted to support repeal of a state law restricting aliens from owning land.

5. Congressional Action

THE COURTS. Two Los Angeles social workers who pleaded the First and Fifth Amendments in refusing to answer questions of the House Un-American Activities Committee in 1956 lost their appeal before a closely-divided U.S. Supreme Court. The ACLU and its Southern California affiliate took the case to the high court, charging that the dismissals of Arthur Globe and Thomas W. Nelson were arbitrary and unconstitutional. The firings were based on a California law which requires that any public employee subpoened by a congressional committee must testify about his participation in or knowledge of groups advocating the violent overthrow of the government. "Any employee who fails to appear or to answer such questions on any grounds whatsoever shall be guilty of insubordination and be dismissed from his employment," the statute declares. The majority opinion in the Globe case, backed by a 5-3 vote, held that Globe's dismissal resulted directly from his insubordination and violation of the law, and not because he invoked his constitutional privilege, as the ACLU had argued.

WILKINSON CASE. A new attempt to rein the headlong galloping of the House Un-American Activities Committee has been brought before the U.S. Supreme Court by the ACLU. The Union appealed the contempt conviction of Frank Wilkinson, affirmed by the U.S. Court of Appeals in Atlanta, for refusing to testify before the HUAC in Atlanta in 1958. *(See last year's Annual Report, p. 56.)* The ACLU brief on behalf of Wilkinson maintained that the Committee subpoened him unlawfully merely to harass him for organizing public opposition to its hearings. This action, said the Union, "was nothing more than a citizen petitioning for the redress of grievances, a clear constitutional right" under the First and Ninth Amendments. The brief rejected the opinion of the Court of Appeals that the HUAC was within its rights in requiring a disclosure of motive on the part of citizens who seek such redress. Such a theory, said the Union, "would defeat the very purpose of the First Amendment by foreclosing the political process through which legislative excesses may be curbed."

After hanging fire for several years while the U.S. Supreme Court considered the *Barenblatt* case, the U.S. Court of Appeals in Washington issued verdicts in the cases of nine persons who had balked at answering questions of House and Senate investigating committees. All had relied on the First Amendment, guaranteeing freedom of speech, religion and assembly. The court dismissed indictments against two women, Mrs. Mary Knowles, a librarian whose support by her Quaker employers in Plymouth Meeting, Pa. drew widespread attention in 1955; and Mrs. Goldie Watson, a former Philadelphia schoolteacher. In both cases, the court held that neither the Senate Internal Security Subcom-

mittee, which questioned Mrs. Knowles, or the HUAC which questioned Mrs. Watson, had made the objective of the inquiry clear to the witness. The convictions of seven men all are expected to be appealed to the U.S. Supreme Court. Those whose contempt citations were upheld were Alden Whitman, Robert Shelton and William A. Price, New York City newspapermen; Herman Liveright, former New Orleans TV station manager; John T. Gojack, an official of the independent United Electrical, Radio and Machine Workers; Norton Anthony Russell, an Ohio engineer; and Bernard Deutch, a Pennsylvania physicist. The complete scorecard on 36 First Amendment defendants includes three who have served prison terms, one still in prison, two acquittals, and 30 others whose trials are pending or whose convictions are in various stages of appeal.

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE. The path of the HUAC continued to leave a wide swath across the nation, affecting individuals and institutions, provoking some counterattacks, including one full-fledged riot. The ACLU Board of Directors approved a Biennial Conference resolution making elimination of the Committee "a prime order of business." In testimony before the Democratic and Republican Platform Committees, the Union said the Committee had sapped the strength of the First Amendment by engaging in trial-by-publicity in a circus atmosphere, rather than allowing security questions to be raised where they belong—in court rooms where in a full trial a judicial judgement could prevail. Congressman James Roosevelt also continued his attack upon the HUAC, renewing his proposal in Congress to abolish the panel as "a discredit to the country." One investigation criticized by Roosevelt was the inquiry into Communist influence in the California school system, as a result of which approximately half a dozen teachers—out of a total of 111,500—were dismissed or forced to resign. Both the Northern and Southern California affiliates of the Union defended a number of the teachers in local school board proceedings begun as a result of a self-styled HUAC "experiment" whereby the Committee turned over more than 90 dossiers to local boards in lieu of holding its own hearings. The ACLU of Southern California opposed this move in the Federal District Court and lost, and when the HUAC did arrive on the scene to conduct a new set of hearings in San Francisco, its appearance touched-off a riot by students, witnesses and others. Police used fire hoses, fists and clubs to quell the melee, in which 12 persons were injured and 68 were arrested on charges of participating in a riot, disturbing the peace and resisting an officer. The ACLU of Northern California, in a subsequent statement on the fracas, scolded both the demonstrators and the police for their behavior. The affiliate said that although it was opposed to the existence of the Committee, "it is also opposed to disorderly methods of expressing such opposition. At the same time, it is also clear that the whole matter was badly handled by the police. If the police had acted with firmness at the outset and ejected or arrested persons who were disturbing the peace in the corridors of City Hall, the situation would not have gotten out of hand. . . ." The police came under heavy fire for physical attacks against the protesters, including dragging of people off the steps of the City Hall

and the use of fire hoses. The ACLU of Northern California commented: ". . . the police used excessive force in dealing with the situation. And we think those officers who were guilty of misconduct should be properly and immediately dealt with by the Police Department or the Police Commissioner." At a later hearing, a Municipal Court judge dismissed the charges against 67 students, remanding the case of one defendant for trial.

The ACLU protested the Committee's investigation of Communist activities among youth, which reportedly stemmed from a meeting of the Communist-controlled World Youth Festival in Europe. The Union said the investigation was "an invasion of the free speech and association guarantees of the First Amendment." Another HUAC investigation condemned by the Union was the public hearings in New York and San Juan, P.R. into alleged Communist influence among Puerto Ricans. Pointing out that such activity has never been an issue in the island Commonwealth, the ACLU said the inquiry would be "offensive" to Americans who know that Puerto Rico is quite capable of handling elements subversive to democracy. . . ." The San Juan hearing particularly was scored because the HUAC's jurisdiction over the affairs of the autonomous Commonwealth of Puerto Rico was at the least "questionable." Because of this the ACLU asked the Department of Justice to drop contempt indictments returned against 13 Puerto Ricans.

LINUS PAULING CASE. Dr. Linus C. Pauling, Nobel Prize-winning biochemist of the California Institute of Technology, sought in the federal courts to postpone the Senate Internal Security Subcommittee from forcing him to disclose the names of persons who had assisted him in obtaining signatures to a petition urging an end to nuclear tests. The 11,000 signatures were turned over to the United Nations in 1958. Pauling said in his suit that he was willing to disclose the names of all persons who have signed the petition—they were already public—but that the subcommittee acted illegally in demanding the names of those who had aided him in the petition campaign. Pauling refused to answer the subcommittee's questions because, he contended, this might lead to "reprisals against those believers in the democratic process." Dr. Pauling also said that submitting the names would make it impossible for him to secure the distribution of a further petition. He argued that his First Amendment right of conscience, speech and press had been violated as well as his Fourth Amendment right against unreasonable search and seizure. In a public statement and legal brief the ACLU gave "strong support" to Dr. Pauling's case, both his First Amendment challenge of the subcommittee's questioning and the legal technique he pursued, to determine in advance, the scope of the subcommittee's authority. Calling the right of petition a "prized element" of civil liberties, the ACLU said the First Amendment "squarely forbids government interference with the individual's voicing of political opinion, no matter what form such expression of opinion takes."

SMITH ACT. The U.S. Supreme Court for the third time heard argument on the constitutionality of the membership clause of the Smith Act. The clause makes it a crime knowingly to be a member of

a party that advocates the forcible overthrow of the government. Twice before, the court has heard argument on the constitutionality of the provision in connection with the conviction of Junius Irving Scales, former Carolinas chairman of the Communist Party. It also had scheduled argument on the clause in the case of John Francis Noto, ex-secretary of the Party in New York. *(See last year's Annual Report, pp. 58-59.)* A third conviction of former Illinois Communist leader, Claude Lightfoot, also rests on the final outcome of the latest court action.

Meanwhile, with the Justice Department decision to drop retrial of six Ohio residents convicted under the Smith Act in 1956, the case of six Colorado Communist Party members remains the only such prosecution still active in the courts. Their conviction has been appealed to the U.S. Circuit Court of Appeals in Denver with the Colorado Branch, ACLU planning to file a friend-of-the-court brief.

In another security area, the U.S. Supreme Court was asked for the second time to decide on the constitutionality of the 1950 Internal Security Act's provision requiring public registration of Communist-action organizations. The Communist Party was ordered to register in 1953 after a finding by the Subversive Activities Control Board, but the case has dragged on for years because of lengthy hearings and challenges of perjured testimony before the Board. So far the Communist Party has not actually registered. The ACLU, in a friend-of-the-court brief to the high court, said it opposed the 1950 law. It said the statute impeded open presentation of non-revolutionary opinions on social and political topics, expression that "is far removed from incitement to violence or any other danger that Congress has the power to prevent." Regardless of what may be the Communist Party's ultimate objectives, the ACLU said, the Party expresses opinion on a variety of social issues, such as labor relations, race discrimination, and control of atomic weapons.

LABOR

POLITICAL ACTION. A policy statement by the ACLU Board of Directors upheld the use of union dues for political purposes "as an exercise of the right to free expression protected by the First Amendment." The Union declaration, which was coupled with a call for the protection of dissenting union members to voice their opposition inside and outside the union, was made as the U.S. Supreme Court agreed to review an appeal by the International Association of Machinists from a ruling by the Georgia Supreme Court. The state court had struck down as unconstitutional the National Railway Labor Act which permits union shop agreements, on the ground that such contracts interfered with the freedom of opinion of workers who disagreed with the union's political stand.

The ACLU, however, said that while the rights of a dissenting minority within a union should be recognized, they cannot thwart the will of the majority to have their dues used for political purposes. ". . . So long as such (minority) members have an effective right to

participate in the decision-making process within the union, including the right to vote for union officials of their choice, they are not deprived of their civil liberties," the statement said. "The remedy," added the Union, "lies not in the stifling of group opinion, but in democratic participation in the political life of their union so that a majority of the union members may, in time, be persuaded of their wisdom." In commenting on the IAM appeal, the ACLU also reaffirmed its position taken in 1943 and 1948 that special union assessments for political purposes—apart from union dues receipts—should be made "only by a vote of the union's membership, with the right of any member opposing such action to be free of assessment."

WORKERS RIGHTS. Several ACLU affiliates have intervened on behalf of union members who have been denied their rights through violation or lack of internal democratic processes. Such a case, supported by the ACLU of Southern California, involves two IAM members who were expelled for publicly campaigning in favor of a state "right-to-work" law—a measure bitterly and actively opposed by the union. An IAM trial board found the men guilty of disloyalty and it was the contention of the union in court that it had the "inherent" right to expel on this ground. A Superior Court judge agreed, ruling that the union may properly regard "right-to-work" laws as a threat to its existence and may consider union members who support them as disloyal. In discussing the issues raised by the case, the Labor Committee of the national ACLU supported the idea that a union member may, as a citizen, take part in a public debate. However, it added, this "does not mean that steps leading directly to the union's detriment may be taken with impunity." The Committee said that where "the relationship between advocacy of an idea and the union's well-being is itself highly debatable, disciplinary proceedings should be closely limited." The panel added that "if discipline is to be imposed because of open advocacy of contrary opinion in a forum of the member's choice, the burden of establishing the gravity of the offense should rest on the union." In a case affecting job rights of union members, the Greater Philadelphia Branch of the ACLU is trying to solve the dilemma of workers in Chester, Pa., who have had great difficulty in finding employment because neither the Philadelphia nor the Wilmington, Del., locals of the International Association of Heat and Frost, Insulations and Asbestos Workers, will allow them membership. Each says it is the responsibility of the other. In a third ACLU case, the Northern California affiliate filed an appeal to federal courts from a U.S. Civil Service Commission review board ruling upholding the dismissal of a San Francisco postal worker who led a union picket line in front of the Post Office during his off hours.

LOYALTY AND SECURITY. Merchant seamen who had not been able to find work on American flag ships for as long as ten years because their loyalty had been questioned by the Coast Guard finally won that right on the eve of a court trial. Twenty-one seamen had sued the National Maritime Union and the employers for flaunting a 1956 Federal District Court ruling that the seamen's suspensions were

unconstitutional because the Port Security program violated due process by denying the right to confront and cross-examine their accusers. The agreement, reached by the seamen, the NMU and the employers, applies to all men who on their appeal to the industry-union Joint Appeal Board had been denied access to the hiring hall as security risks. Such seamen are now again eligible to register at NMU hiring halls. The U.S. Supreme Court refused to review an appeal, supported by the Maryland ACLU, by four Bethlehem Steel Co. employees who were fired in 1957 for refusing to testify before the House Un-American Activities Committee. The United Steelworkers of America refused to bring the firings before an arbitrator on the claim that the employees' silence before union officials on the question of possible Communist Party membership made it impossible to evaluate their grievance.

BIAS. The AFL-CIO continued to move against discrimination against Negroes among its affiliated unions, but the speed of the campaign continued to cause dissatisfaction among many Negro unionists and such organizations as the NAACP. This was the principal factor behind the creation of a National Negro Labor Council, composed of Negro unionists affiliated with the merged federation, which will try to pressure the AFL-CIO to step up its anti-bias drive.

PICKETING. In Congress, the ACLU objected to a bill that would make it a federal crime to "hinder, obstruct or delay" any message carried by a commercial communications company or to interfere with the operation of such a network. The Union declared that the proposal, intended to protect military and civilian defense facilities, could easily be interpreted to prohibit a strike or picketing of such a system and therefore threatens First Amendment rights of free association by workers in unions of their own choosing. The Senate killed the bill.

OTHER ACTIONS. A divided U.S. Supreme Court upheld a New York state law prohibiting convicted felons from holding office in waterfront unions. The majority opinion rejected the constitutional argument put forward by the NYCLU in a friend-of-the-court brief that the law deprived an individual of his due process rights under the Fourteenth Amendment through the arbitrary use of a past felony conviction and by failing to provide for a hearing. The opinion said that while such a law was severe, the high court could not substitute its judgement for that of the legislature.

EQUALITY BEFORE THE LAW

THE FEDERAL SCENE

CONGRESS. The President signed the Civil Rights Act of 1960, a measure denounced by critics as weak and complicated, but which President Eisenhower hailed as "a historic step forward." Whatever view one took, it was generally agreed that the effect of the law in winning voting rights for Negroes was a long way off. The heart of the bill creates a new and intricate system of judicially-appointed "voting referees" to overcome the denial of the ballot box to qualified Negroes in the South. While the ACLU testified in favor of a simpler procedure recommended by the Civil Rights Commission whereby the temporary federal registrars would be appointed in any area where the right to vote was illegally denied, the Union also supported the Administration plan for court-appointed referees. The Union's hope, however, that the referee plan would not involve such prolonged appeals as to moot the right to vote, through repeated delays, appeared to be headed for disappointment. For before the referee machinery can be started, the Justice Department must bring specific cases under the 1957 Civil Rights Act and prove that qualified citizens of the community had been denied the right to vote because of race or color. After this case is proved, the Attorney General could ask a Federal District Court judge to find a "pattern or practice" of discrimination, thus paving the way for the appointment of referees to register Negro applicants. First, however, Negro applicants must try to register with local officials before seeking relief with the referee. And even after being registered by the referee, their qualifications are subject to further court challenge.

On two occasions during the debate that preceded final passage of the Civil Rights Act, the ACLU spoke out on specific aspects of the pending legislation. In testimony before the Senate Rules and Administration Committee, the Union called for prompt passage of a bill authorizing the appointment of temporary federal registrars. The right to vote "stands at the top of the list of fundamental rights enjoyed by United States citizens, and its abrogation—anytime, anywhere, raises a civil liberties problem of major proportion. . . . To reduce such citizen participation by denying the franchise saps the strength of democratic government itself. (It also) is seized eagerly by totalitarian forces in strategic foreign areas to strike at our position," the ACLU said. In a second public statement, the Union declared that whether registrars are appointed by the executive branch or by the courts, the legislation contains adequate safeguards for fair hearings for state officials charged with refusing to qualify eligible citizens to vote. The issue arose because at the first stage of the proceedings the bills did not provide for accused registrars to be notified of the charges against them or for the right to confront and cross-examine their accusers at hearings of the Civil Rights Commission. The ACLU said that such a procedure ought to be followed at a subsequent stage of the case, but that initial anonymity of the complainant was necessary to prevent "political, economic or physical reprisal." The constitutional protections of procedural due process, the ACLU said, "have never been held to extend to an assur-

ance of the full right of confrontation in administrative hearings which are merely investigative." By contrast, said the Union, adjucative proceedings should include notification and confrontation to remove any doubt as to their constitutionality.

THE COURTS. Two decisions by the U.S. Supreme Court cleared the way for active federal intervention on behalf of citizens who were denied the right of franchise. The high court said it was constitutional to allow the Justice Department to sue on behalf of Negro voting rights, and also held that the Civil Rights Commission did not have to tell local registrars the names of Negroes who filed complaints of voting discrimination. The CRC had suspended hearings awaiting the high court verdict. *(See below)* The opinion compared the Commission's activities to an investigatory congressional committee and declared that, historically, witnesses in such actions never had the right to confront their accusers because they were not being judged. Such rights, said the court, paralleling the ACLU view, apply only in adjudicative proceedings where an individual was being actually judged. The dissenting opinion said that the local registrars were, in effect, being "tried" by public opinion and that their due process protections were being invaded if they did not know the names of their accusers.

CIVIL RIGHTS COMMISSION. The Commission resumed hearings in Louisiana, actively sought by the Louisiana Civil Liberties Union for more than a year. The Commission's action followed the U.S. Supreme Court's verdict upholding the constitutionality of the Commission's procedures. The affiliate charged that a state legislative committee was encouraging registrars to challenge and discourage Negro voters and to purge voter lists of Negro registrants. The LCLU had reported that 1,377 Negroes were erased from the rolls in a single parish (county).

The ACLU Board of Directors voted to approve all the recommendations made by the Commission in its first report except one and took no action on another. The Board opposed a recommendation that the Bureau of the Census be empowered to compile registration and voting statistics by race, color and national origin on the ground that there should be no compulsion to answer such questions. The Board took no position on a suggestion that the Bureau of the Census and the U.S. Office of Education conduct an annual school census to show the number and race of public school and college students, recorded by school districts and institutions of higher learning. The Board supported a recommendation of three Commission members for a constitutional amendment establishing universal suffrage and eliminating any other requirements from voting except age, residence, and non-confinement in prison or a mental institution. Such voting tests, particularly literacy tests, are being abused in order to deprive persons of the right to vote, the Board declared. Among the other proposals endorsed by the Union were recommendations furthering voting rights, such as preservation of registration and voting records, ending housing discrimination and a suggestion by three Commissioners that federal funds be withheld from all schools and colleges which refuse, on racial grounds, to admit otherwise qualified students.

OTHER FEDERAL ISSUES. The Union objected to a question on the 1960 census form which asked the individual to indicate his "specific color or race." The basis of the Union's stand was that the vaguely-worded query will not result in reliable information while it "raises in the minds of many of our people the specter of some threatened discrimination. . . ." The ACLU asked the Bureau of the Census to eliminate the question or at least not to penalize anyone who refuses to answer it. In reply, the Bureau said it would not prosecute persons who decline to answer the "color or race" question. While the Union supported the government's right to compile "a vast and varied array" of information, it urged new safeguards to prevent disclosure of data concerning individual persons or establishments and the elimination of mandatory answers to a group of more detailed questions put to members of every fourth household.

The perennial issue of amending the federal constitution to guarantee "equal rights" for women once again occupied the Union's attention. The ACLU has opposed the amendment because it would not safeguard differential social legislation for women that has been established over the years. The Board of Directors voted to "renew cooperation with other organizations in opposing the so-called equal rights amendment and simultaneously cooperate with them in pushing a three-point program of action in the legislatures (both state and Federal), in the courts, and in the field of education," to eliminate remaining improper discrimination against women.

STATE AND LOCAL ACTION

SIT-INS. Young, educated Negroes, dissatisfied with the snail's pace of desegregation through the courts, moved dramatically and spontaneously in the late winter of 1960 to win wider citizenship rights. Their choice of a battlefront, lunch counters in Southern variety and chain stores, was only a minor sector in the over-all struggle—but the overwhelming success of their strategy of passive resistance signalled a new phase of the Negroes' determination to put an end to racial discrimination on all fronts.

From February 1, when the first "sit-in" took place in Greensboro, North Carolina, the ACLU was deeply involved in the protest movement. Through direct legal defense of arrested students, through advice and counsel to groups involved in the campaign, and through numerous public statements, the Union stressed the constitutional right of peaceful protest through picketing and the right of Negroes to be served at eating places open to the general public. The Union said that in addition to having the free speech protections of the First Amendment, Negro students were entitled under the Constitution to eat wherever they chose.

"Although the 'sit-ins' have taken place on private property," said the Union, "there is a firm legal basis for the position that once a person has been invited into a place of business—as Negroes are in the South—the storeowner cannot pick and choose what wares he will sell to customers; his place of business becomes at the very least a quasi-public facility and he must sell to all people who want to buy."

The Union opposed the arrest of 41 Negro students in Raleigh,

North Carolina on charges of trespassing on a sidewalk in front of the F. W. Woolworth store and criticized the state Attorney General for encouraging—even indirectly—the prosecution of citizens for peaceful protest. This was a violation of constitutional guarantees of equal treatment and free expression, the Union said. The official responded with a militant reply that was to set the tone for authorities throughout the South. If the ACLU did not like the law in North Carolina, said Attorney General Malcolm B. Seawell, it could "lump it." The Union's position was upheld by the North Carolina Supreme Court which reversed the conviction of the Raleigh students. The high court took the position that the ACLU view of the constitutionality of the "sit-ins" was correct, at least so far as sidewalks of shopping centers go.

The Florida Civil Liberties Union was busy in three "sit-in" cases. The affiliate supplied legal support for 11 Negro students whose arrest was demanded after they "sat-in" in a Tallahassee Woolworth store. Six white students who were arrested in Tallahassee for demonstrating in sympathy with the arrested Negroes were also defended by Florida CLU attorneys. The students' convictions for unlawful assembly and breaking the peace are being appealed. In Miami 18 members of the Congress of Racial Equality were convicted of violating a state law allowing a business proprietor to eject a customer as an "undesirable patron." The 18 were given a year's probation and an appeal is being taken in this first test of the state law. Elsewhere, the ACLU was active in Louisiana, where 16 students were expelled from Louisiana Southern University after they were arrested and jailed for "disturbing the peace" for staging a sit-in demonstration; and in Montgomery, Alabama where a touring group of white students from Illinois, their dean and his wife were arrested for eating in the private diningroom of a Negro restaurant. The Union obtained counsel for the latter group. Only the dean was convicted, for breaking a new city ordinance—designed to meet the sit-in threat—which defines disorderly conduct as behavior "calculated to cause a breach of the peace." The ACLU is backing the appeal.

Issues raised by the waves of "sit-ins" were not confined to the South, however. In the North, where college authorities and local police attempted to block student sympathy picketing, the ACLU also entered the scene. "Such action," said the Union, "raises a fundamental threat to freedom of speech and academic freedom," especially a threat of disciplinary reprisal or expulsions. In three cases the ACLU was particularly active. The Metropolitan Detroit Branch named a committee to meet with the Wayne University administration to support the students' right of protest, as well as students' rights in general; and letters endorsing the right to picket were sent to the presidents of Skidmore and Elmira State College and were publicized.

NAACP HARASSMENT. The U.S. Supreme Court upheld the right of two Arkansas NAACP officials to refuse to disclose the names of its members in Little Rock. The court said that disclosure could cause intimidation and harassment of NAACP members as well as discouraging future membership and endangering freedom of association. Louisiana, meanwhile, has appealed to the high court to reverse a Federal District Court verdict that the NAACP did not have to comply

with a state law requiring the organization to file membership lists. The federal court said the statute violated the free speech and free assembly protections of the First Amendment and the Fourteenth Amendment's guarantee of due process.

On the state court level, Virginia's highest court nullified one restriction against the NAACP and upheld two others when it said that the group could advise persons to file civil rights suits but could not solicit legal business for NAACP lawyers or other lawyers. The third opinion upheld a lower court in refusing to block a legislative committee which sought the NAACP's membership rolls.

The ACLU affiliate in Florida provided counsel to a former president of the Miami branch of the NAACP and a member of the Florida CLU who has been ordered by a state Circuit Court judge to testify before a state legislative committee. The witness, Rev. Edward T. Graham, was subpoened along with Rev. Theodore R. Gibson, current head of the Miami NAACP branch, in an alleged investigation into so-called Communist infiltration into the organization. The investigation, which has been going on for three years *(See last year's Annual Report, p. 68 and 1957-1958 Annual Report, p. 53.)*, demanded that both men reveal whether they are members of the NAACP. The Florida CLU assailed the legislative committee for trying to "harass organizations which seek to implement the U.S. Supreme Court's decision on school desegregation." Rev. Graham was convicted of contempt but the six-month sentence was stayed until the Florida CLU could challenge the entire issue before the state Supreme Court.

The ACLU has also come in for its share of attack from Southern politicians. In addition to attacks upon the Union made in the case of University of Mississippi professor William Murphy *(See p. 27.)*, the Attorney General of Alabama accused the Union of having delivered "a large amount of money" to a Negro group in Birmingham, Alabama in order to promote racial agitation. Executive director Patrick Murphy Malin immediately labelled the statement "absolutely false" and pointed out that the Union has never promoted racial agitation nor has it donated any sums of money to anyone in Birmingham. Pointing out that Negro defendants have a difficult time in obtaining legal defense in the Birmingham area because of over-worked Negro attorneys and the fear of white lawyers to take on controversial cases, Malin said ACLU has, however, supported in court persons seeking equal status, and will continue to do so.

VOTING RIGHTS. The U.S. Supreme Court took under review a potentially significant challenge by Tuskegee Negroes who charge that a 1957 change in the city's boundaries constituted unconstitutional racial discrimination. The change made the boundaries of Tuskegee look like a "sea dragon" of 28 sides, instead of the simple square it used to be. The new boundaries did not eliminate any white residents or white voters from the city limits, but it excluded 3,000 Negro residents and all but five of Tuskegee's Negro voters. The ACLU filed a friend-of-the-court brief supporting the Tuskegee Negroes.

OTHER ACTIONS. U.S. Attorney General Rogers said that the refusal of federal and state grand juries to return indictments in the

lynching of Mack Charles Parker was "a travesty of justice." Parker, 23, was dragged from his Poplarville, Miss, cell in April, 1959 two days before he was to go on trial on charges of raping a white woman. His body was discovered by FBI agents in a nearby river.

The ACLU urged the Attorney General not to make public the FBI's report on the Mack Charles Parker lynching despite the fact that two grand juries did not return indictments. "To do so," said the Union, "would mean that the federal government is adopting the philosophy of the ends justifying the means. Public disclosure . . . would be directly contrary to the constitutional principle that accusations against people are to be handled through the judicial process," added the letter, even though the lynching was a "terrible crime expressing the ultimate explosion of racial prejudice and deserves the condemnation of every civilized person."

UP NORTH. In a series of actions by ACLU affiliates, the Arizona CLU was upheld by a Superior Court judge who ruled that the state's law prohibiting intermarriage with a Caucasian was a violation of the First and Fourteenth Amendments; the Massachusetts CLU voted to oppose the designation of color and race on birth, marriage and death certificates; the Montana CLU state correspondent challenged a finding of the federal Civil Rights Commission's state advisory committee that there were no civil liberties problems in Montana, by pointing to discrimination in hotels and restaurants and police mistreatment of minority groups; and the ACLU of Oregon told the state Attorney General that discrimination by fraternities on state college campuses constituted state action in violation of the equal protection clause of the federal constitution.

GENERAL DEVELOPMENTS

EDUCATION. Time is running out for procrastinating and defiant school boards throughout the South. Although it may be years before such states as Georgia, Mississippi, Alabama and South Carolina finally face a U.S. Supreme Court order from which there is no appeal, the mounting legal pressure is forcing a number of communities to face, and publicly discuss, the alternative between token integration and no public schools at all.

New Orleans was the scene of a major struggle where a willing school board said it could "work out some kind of plan" to begin integration in the first grade in compliance with a Federal District Court order, but an unyielding Governor in defiance of the court invoked a state law giving him the power to take over the schools and close them completely. The federal court, however, struck down the school closings laws as unconstitutional. As a showdown in the eight-year-old legal battle approached, less than 100 Negro children are expected to apply for admission to previously all-white schools.

If the atmosphere of New Orleans is anxious and agitated, the climate of Houston was calm as first-grade integration began. Houston, like New Orleans, had been rebuffed by the U.S. Supreme Court in a last-ditch appeal to delay the Federal District Court order. Houston voters had previously voted 2-1 against integration and the federal court had

rejected as a "palpable shame and subterfuge" a school board plan that would have designated one public school, one high school and one junior high for the entire city for students who "wanted" to attend integrated classes. While Houston residents appeared passive towards the prospect of integration, the Texas legislature may not be. A state law could result in the cutting off of state aid and fines for local officials who desegregate schools without an affirmative vote.

Dollarway School District #2—just outside Pine Bluff, Ark.,—has already been the scene of mob violence. Fears—fortunately not realized—that the same thing may happen again were prompted by the admission of a six-year-old Negro girl to the first grade and by a finding of the U.S. Court of Appeals that the school district had not made a "reasonable start" towards the desegregation of its schools. In an attempt to head off just such verdicts, Governor Orval Faubus placed before the voters a constitutional amendment permitting residents of a school district to close the schools by majority vote and split up school funds among the eligible students in the district. The Dollarway situation is also significant in the possibly wide application of the U.S. Court of Appeals ruling which set aside the school board's operation of the state's pupil placement law. The court said that the effect of the law cannot leave "the existing racial situation existing, just as before." In other court decisions affecting pupil placement laws—the chief device whereby integration has been held to a trickle—the Fourth and Fifth Circuit U.S. Court of Appeals ruled that under such statutes Negro students cannot be given tests different from white students before they are admitted. The rule that the federal courts appear to be applying is a practical one: is the law fair in its operations. Thus, the U.S. Supreme Court refused to review Nashville's grade-a-year desegregation, but the Third Circuit U.S. Court of Appeals struck down Delaware's grade-a-year program, which would have resulted in full integration by 1972, and ordered full integration by the fall of 1961. The U.S. Supreme Court refused to modify the lower court's order. Meanwhile, in Little Rock itself, although the eight Negro students attending the city's two high schools continue to be ostracized by their fellow students, the tide of extremism seemed to have waned. Thirteen Negroes enrolled in the schools in the third year since the riots. As the 1960-61 school year started in the South, this was the scorecard: token compliance with court rulings on desegregation began in 17 school districts for the first time—a total of 768 out of 6,676 in which some racial mixing has occurred. Six percent of the total number of Negro school children are now attending previously segregated schools.

ACTION IN THE NORTH. The New York City Board of Education reversed a long-established policy and announced a system of "open enrollments" whereby Negroes and others will be able to attend schools they prefer, rather than attending neighborhood schools exclusively. Segregated housing had resulted in *de facto* school segregation under the old system and Negro parents had threatened to repeat a mass "sit-out" by their children if the system was not changed. The parents charged that all-Negro schools were educationally inferior. In the colleges, the New York Civil Liberties Union opposed a recom-

mendation by the city's Commission on Intergroup Relations that would impose specific punitive measures upon campus publications printing anti-religious or anti-racial articles. The NYCLU said the recommendation would restrict freedom of speech and press of students. The Minnesota Branch of the Union investigated the case of two university students who were evicted by their landlady after they were visited by a Negro and a Chinese.

HOUSING. Laws prohibiting discrimination in housing were upheld by two state courts, while three states took their first action under recently passed legislation. Generally, the NAACP found "unmistakeable signs of progress" in ending bias on the federal and state levels. Ironically, a more aggressive attitude by federal officials has resulted in a reluctance by many communities to begin public housing projects because of the requirement that they be racially integrated, the U.S. Commissioner of Public Housing reported. Among the steps taken by federal authorities was an FHA directive barring the sale or rental of foreclosed properties with regard to race, color or creed. The National Committee Against Discrimination in Housing, of which the ACLU is a member, repeated its plea for a Presidential executive order making clear a policy of non-discrimination for all federal housing.

New York City's pioneer law prohibiting discrimination in private housing was sustained by a state Supreme Court justice who said that "the individual must yield to what the legislative authority deems is for the common good." It was the first test of the law. Another first was recorded in New Jersey where the state Supreme Court ruled that a law barring discrimination in publicly-assisted housing was constitutional. Even before the U.S. Supreme Court refused to hear an appeal from the verdict, William J. Levitt, the challenger, announced he would "voluntarily" sell two of his 16,000 houses in a New Jersey development to Negroes. *(See last year's Annual Report, p. 75.)* Levitt also hired a group of specialists in race relations to smooth the way. The first test of the Washington state law prohibiting discrimination in publicly-assisted housing was argued in the state Supreme Court. The ACLU and 12 other national organizations, through the National Committee Against Discrimination in Housing, filed a friend-of-the-court brief backing the law.

State commissions in Colorado and Massachusetts issued their first orders to comply with new laws banning bias in private housing while California took its first steps under a recent statute barring discrimination in publicly-aided construction. Massachusetts also strengthened its year-old law by extending coverage to anyone granting mortgage loans, and a ruling by the California Attorney General put real estate brokers under the new statute. Real estate brokers and salesmen in Michigan and Massachusetts were also prohibited by state agencies from discriminating on grounds of race, creed and color in the sale or rental of real estate. Unsuccessful attempts to pass fair-housing laws applicable to private housing were made on the state level in New York and Rhode Island and on the local level in Cleveland and St. Paul.

The Metropolitan Detroit Branch of the ACLU condemned discriminatory housing practices in a case which received widespread

attention involving real estate brokers in the exclusive Grosse Point area. Realtors there had secretly adopted a complex system of rating prospective homeowners according to their nationality, accent, way of living, dress and whether they were "typically American." The system even went so far as to blackball brokers who defied it. Disclosure of the rating plan proved to be its undoing. The Michigan State Corporation and Securities Commission issued a new state ruling barring discrimination in real estate activities—a goal which the legislature has tried, but, failed to accomplish. Elsewhere on the state and local scene, investigations by private and public agencies have found much greater bias than meets the eye in housing throughout New York State, where a legislative committee said the discrimination is "vast"; in San Francisco, where real estate brokers themselves admitted that discrimination was still the practice; and in Chicago, where the search by a law firm for new quarters showed that 17 buildings in the Loop would not rent quarters for racial reasons. The Iowa Civil Liberties Union reports that the technique is still very much alive in Des Moines, where some brokers are attempting to destroy an integrated area by warning whites to move and then showing vacant homes only to Negroes. State officials met with real estate boards in New York City in order to work out a professional code barring such practices.

A growing number of colleges and universities are insisting that off-campus housing must be non-discriminatory in order to be approved for listing with school officials. Cornell and the Universities of Washington and Colorado are among the most recent institutions with such requirements. Ohio State University said that any licensed off-campus rooming house against which a discrimination charge had been proved will be dropped from the approved listing service. The general question of housing barriers faced by minority students is being studied by the New York State Commission Against Discrimination, which is investigating the housing practices of 173 state colleges and universities.

EMPLOYMENT. Delaware became the 17th state to pass enforceable legislation barring discrimination in employment because of race, creed, or color. Indiana and Kansas may investigate job bias complaints but cannot enforce their findings. (The new Delaware bill also bars discrimination because of age.)

A key test of Colorado's FEP law is before the state Supreme Court after a state District Court nullified the power of the state Anti-Discrimination Commission to act against Continental Air Lines, Inc. for not hiring Marion D. Green, a Negro pilot. The first year of California's FEP Commission saw the receipt of 123 complaints, of which nearly 100 are still pending. Seven were settled amicably. The New York State Commission Against Discrimination reported getting a record number of 753 complaints during the first nine months of 1959. And in Wisconsin, the Governor has signed a bill prohibiting firms under state contract to discriminate among their employees.

The President's Committee on Government Contracts has been stalled in an attempt to win the right for Negro electricians to work on government jobs in the nation's capital. A public row over the situation was touched off by AFL-CIO president George Meany, who

accused the Committee of dragging its feet in not compelling contractors to hire qualified Negroes. Meany also threatened to bring in non-union Negro electricians from other areas to do the work. The contractors counter-charged that the local of the International Brotherhood of Electrical Workers does not permit Negroes to join the union. Five Negroes then applied directly for jobs with the builders but were turned down as not qualified. The Committee reported more progress, however, outside the District of Columbia. It reported that as a result of personal appeals to business executives, Negroes have been hired for the first time by firms in Texas, South Carolina and Delaware and have received wider job opportunities elsewhere. Also on the federal level, the Civil Rights Commission has begun an investigation into job discrimination created by federal grants, such as the work of state agencies receiving government aid. The controversy over Negro job opportunities in Washington, D.C. was underscored by the NAACP in a detailed report charging that federal, state and local agencies were not using their available power to end racial discrimination in apprenticeship programs. The NAACP charge was supported by an official Philadelphia commission which found that Negroes received less training, less pay and fewer promotions than whites and by a report of New York state's anti-discrimination commission that only two per cent of the state's 15,000 registered apprentices were Negroes.

PUBLIC ACCOMMODATIONS. Economic competition and moral suasion have combined to make it easier to arrange racially mixed conventions in a number of Southern cities. After years of starring Negro performers in hotels and plush gambling joints, Las Vegas finally lifted a tacit ban that has existed among most establishments against Negro guests. Who will profit more by the change remains to be seen. Many years ago Negroes won their first series of desegregation decisions in the area of interstate travel, and now the U.S. Supreme Court has agreed to hear the latest of such appeals in a case involving a law student who was arrested for trespassing when he refused to leave a segregated lunchroom while traveling on an interstate bus. The bus was on its way from Washington, D.C. to Salem, Ala. The arrest took place in Richmond, Va. Beatniks continue to rub many people, including easily irritated police, the wrong way and the ACLU of Northern California continues to defend them. The affiliate, for example, intervened and persuaded the management of a pastry shop to serve a black-stockinged model and her husband. Also, in Seattle, a Negro woman won a damage suit against the local Slenderella salon, which had refused to serve her.

Many of the problems of discrimination against Negroes in the use of recreational facilities are by no means exclusive to the South. In the North, for example, the Greater Phiadelphia Branch of the Union and the Lancaster Chapter of the ACLU of Pennsylvania are keeping tabs on a number of suburban swimming pools which have been converted to "private clubs" after receiving injunctions prohibiting bias. New Jersey reported that one third of the inland swimming facilities in the state practice some form of discrimination. The Washington State Board of Discrimination ruled that four golf clubs which used public courses discriminated against Negroes in tournaments. The same issue

arose in New York, where the state obtained an agreement to bar future tournaments on public courses in which Negroes are barred from participating. In two cases involving amusement parks, the Maryland Branch, ACLU wrote a friend-of-the-court brief on behalf of pickets who were arrested while demonstrating against alleged bias at Gwynn Oak; and the Indiana Civil Liberties Union investigated conditions at Riverside. The ICLU also investigated discrimination in Indianapolis restaurants. After many years of study, the New York SCAD concluded that the phrase "churches nearby" in advertising resorts is not a case of encouraging religious discrimination. And after many years of friction, the American Legion cut all ties with its 40 & 8 Society over the fun-making society's racial membership restrictions.

AMERICAN INDIANS

The principal work of the Union's Indian Civil Rights Committee was its continuing efforts to persuade the government to reconsider its decision to proceed with the construction of the Kinzua Dam which would result in the inundation of the reservation of the Seneca Indians.

Subsequent to the passage, over President Eisenhower's veto, of the omnibus public works bill which contained a fund appropriation for the start of construction of the Kinzua Dam *(See last year's Annual Report, pp. 79-80.)*, another ACLU appeal was sent to the White House requesting administrative re-appraisal of the dam project. The heart of the letter consisted of a detailed report prepared by Dr. Burt Aginsky, chairman of the Committee, setting forth detailed findings in support of the conclusion that the construction of the dam at the Kinzua site would "bring to an end the religious and cultural customs which give meaning to the life of [the Seneca] people." The White House replied that "alternate plans have been carefully studied by the Corps of Engineers . . . but [it was] found that the Allegheny Reservoir, as presently planned would be the most economical solutions to the problems involved." The ACLU letter was circulated to all members of the Appropriations Committees of the House and Senate, and although efforts are still being made to forestall construction of the dam, neither Congress nor the White House appeared to be persuaded.

The Committee was also concerned over a law-suit instituted by members of the Native American Church of America, composed to a large extent of Navajos, against the Navajo Tribal Council. The suit sought to enjoin enforcement of a tribal ordinance prohibiting possession or use on tribal property of peyote, a substance which is used as an integral part of the Church's religious ritual. The Church contended that the ordinance invaded its members' freedom of religion. After a decision by the U.S. Court of Appeals in Denver which held that the Bill of Rights does not apply to the acts of Indian tribal governments, the ACLU was formally requested to support an appeal to the U.S. Supreme Court. The Board of Directors agreed, in principle, that the acts of Indian tribal governments should be governed by the Bill of Rights, and that the Union should present this position in friend-of-the-court briefs on a case-by-case basis. It also helped the Church to obtain an attorney to handle this particular case.

DUE PROCESS UNDER LAW

FEDERAL EXECUTIVE DEPARTMENTS

1. Citizenship, Naturalization, Deportation

CITIZENSHIP. The U.S. Supreme Court, for the second time, returned to a lower court for clarification a case questioning the power of Congress to take away the citizenship of a draft-dodger. In a friend-of-the-court brief supporting Francisco Mendoza-Martinez, the ACLU argued that the law is unconstitutional for several reasons: it permits cruel and unusual punishment in violation of the Eighth Amendment; it infringes on procedural due process by making it difficult for an expatriate to challenge the statute in a United States court; it is not within the power of Congress' jurisdiction in foreign affairs to exile draft delinquents; and it is not a proper exercise of sovereignty or war powers by the government. Mendoza-Martinez, a dual citizen, was born in the U.S. of Mexican parents and went to Mexico in 1942 to avoid the draft. He returned here in 1946 and served a prison term for evading the Selective Service Act. In 1953 he was ordered deported as an alien.

The ACLU also supported the case of Angelika Schneider, a naturalized American whose citizenship was revoked by the State Department. The action was taken under a 1952 law which states that naturalized citizens who live continuously for more than three years in the country of their birth shall solely for this reason lose their American citizenship. Mrs. Schneider had lived here since she was five (from 1939 to 1956) and in 1956 moved to Germany to marry. ACLU attorneys maintained in their brief that the law violates the Eighth Amendment by imposing cruel and unusual punishment by discriminating between native born and naturalized citizens and that it also constitutes deprivation of liberty and property without due process of law in contradiction to the Fifth Amendment. The Federal District Court in Washington, D.C., ruled there was "no substantial issue of constitutionality" on this point, but upheld an additional ACLU contention that Mrs. Schneider had the right to pursue her case further in American courts without seeking temporary entry as an alien. As an alien due process rights are limited.

DEPORTATION. Two aliens whose right to remain in this country were challenged on grounds of alleged past Communist Party membership lost their fight in close decisions by the U.S. Supreme Court. The high court upheld a deportation order against William Niukkanen, a 50-year-old Portland, Ore. house painter who was brought to America as an infant and who was a Communist Party member from 1937 to 1939. The court also held that while an alien had the right to plead the Fifth Amendment in response to a hearing officer's question on Communist Party membership, this still did not relieve him of the obligation of proving that he was a person of good moral character and not affiliated with the Communist Party. The ACLU of Northern California was instrumental in making it possible for a Greek seaman

to retain his status as a parolee receiving medical treatment in the face of Immigration Service attempts to deport him. In another affiliate action, the Colorado Branch finally won a five-year defense of three aged Mexican-born Denver residents when the Justice Department abruptly announced it was dropping deportation proceedings against them. The trio had been charged with membership in the Mexican branch of the Communist Party.

ALIEN RIGHTS. The U.S. Supreme Court decided, by a 5-4 vote, that the government was justified in cutting-off Social Security payments to an alien deported because of past Communist Party membership. The ruling came in the case of Ephram Nestor, a Party member from 1933 to 1939 who was deported to Bulgaria in 1956. His monthly old-age payments of $55.60 were based on earnings from 1936 to 1955, when he reached retirement age. The high court, in reversing a U.S. District Court, held that social security benefits were not an accrued property right and that a "rational" justification exists for the exclusion of various categories of deportees. The dissenters argued that the denial of benefits abrogated such basic constitutional rights as the right to a judicial trial and protection against ex post facto laws and bills of attainder.

The U.S. Court of Appeals in New York rejected an ACLU request that it grant Justina Soto, a Peruvian citizen seeking permanent residence here, the same due process rights that an American citizen would have. The Union said Miss Soto had not been able to cross-examine Public Health Service physicians who diagnosed her as tubercular, and therefore non-admissable, nor had she been permitted to introduce expert testimony on her own behalf. The actual decision to exclude Miss Soto, said the Union, was made by a Special Inquiry Officer, who did not consider additional evidence.

POLITICAL ASYLUM. The ACLU, continuing its efforts to obtain fair hearings for alien seamen seeking political asylum *(See last year's Annual Report, p. 81.)*, filed a friend-of-the-court brief on behalf of 42-year-old Julius Szlajmer, a Polish seaman whom the Immigration Service said is not entitled to ask for entry on political grounds. The government's ruling was made on the basis of the fact that Szlajmer had not disclosed his intention upon landing, but went to the FBI to ask asylum three days later. Declaring that the Immigration Service was wrongfully regarding Szaljmer as a common ship-jumper, the Union said that "any crewman from an Iron Curtain country who risks the inevitable penalty attached to jumping ship of his nationality, should be considered prima facie a refugee from communism. . . . He should be given an opportunity to establish that he is such a refugee and should not be compelled to reship without having been given a hearing on his status. The Federal District Court agreed.

2. Confinement of Mentally Ill

The ACLU intervened in a macabre case in Virginia in which a 34-year-old innocent trash collector was picked up by police on a murder charge and committed to a mental institution all because

a telepathist received "emanations" while hovering over a year-old grave. The FBI later arrested another man for the crime after more conventional police work. The bizarre chain of events began when a local government hospital psychiatrist offered police the services of a Dutch mental telepathist to help clear up the unsolved murders of Mr. and Mrs. Carroll V. Jackson and their two young daughters early in 1959. Accompanied by state troopers, the savant went to the Virginia grave where the bodies had been found and advised police to search for a man whose business was "either junk or garbage". Police then arrested a trash collector, John Tarmon, and interrogated him extensively. Unable to obtain any evidence linking him with the crime, they induced his wife to sign a commitment petition, resulting in a hurried lunacy hearing being conducted at 3 a.m. with the psychiatrist sitting as one of the three members of the lunacy commission. As a result, Tarmon was found insane and whisked two hundred miles away to a mental institution for the criminally insane. He was released after a lawyer provided by the ACLU filed a habeas corpus petition which prompted the hospital to concede that he was not insane.

The Union in two cases also challenged a District of Columbia law requiring the automatic commitment to St. Elizabeth's Hospital of defendants who have been acquitted because of insanity. The ACLU acted on behalf of Donald Ragsdale, who ran away from the mental institution and worked without incident at a job for 10 months before he was found by police and returned to St. Elizabeth's. His plea for a conditional release was rejected after psychiatrists said that Ragsdale still had a sociopathic personality disturbance. In attacking the law as unconstitutional, the ACLU said that the statute was unfairly based on a "presumption of continuing insanity" in the period between the time the original crime was committed and the jury's verdict. A friend-of-the-court brief filed in the U.S. Court of Appeals said that Ragsdale could have recovered by the time of the trial and should not have been automatically committed. The Union also said that another judicial ruling on his mental condition should have been made before he was sent to the hospital. In the second District of Columbia case, the ACLU was accorded a rare nine-judge hearing before the entire U.S. Court of Appeals. The defendant in this case, Frederick Lynch, had attempted to plead guilty to a bad check charge, with a reasonable expectation of probation. Instead, the plea was refused and the judge found him not guilty by reason of insanity. The automatic committment law forced Lynch's removal to St. Elizabeth's Hospital.

An investigation was started by the Senate Constitutional Rights Subcommittee into the observance of constitutional guarantees for the mentally ill and those judged mentally ill. "The entire field under which the law has the right to deprive a mentally ill person of his liberty has been the most neglected in the chronicles of American law," the late Senator Thomas J. Hennings said. He announced that two particular areas of inquiry would be the fairness of commitment procedures and the possible modification of the ancient McNaghten Rule under which an accused person claiming insanity as his defense is held responsible for his act if he can distinguish right from wrong. A 1954 decision of the U.S. Court of Appeals in Washington, D.C.

held that a person is not criminally responsible "if his unlawful act was the product of mental disease or mental defect."

The practice of detaining for long periods of time persons accused of federal crimes but found incapable of standing trial caused a federal judge to remark that the medical center in Springfield, Mo. was not to be used as a detention pen for such people. Such a practice, he said, deprives an individual to his right to a speedy trial, to bail, and to confer with counsel in the preparation of his defense. The suit was supported by the center's medical director.

3. Loyalty and Security

FEDERAL ISSUES. A Defense Department directive establishing new procedures in the nation's industrial security program following the U.S. Supreme Court decision in the *Greene* case *(See last year's Annual Report, p. 84-85.)* was criticized by the ACLU for not providing sufficient protections for the rights of confrontation and cross-examination. The order, said the Union, "appears to be a panoply of self-defeating assertions of due process rights repudiating not only the heart of the Court's *Greene* decision, but the implications of that decision—that Fifth and First Amendment rights must be protected." In a congressional aftermath of the same high court opinion, the ACLU opposed a bill passed by the House which sought to nullify the verdict by authorizing an industrial security program giving the Secretary of Defense discretion to decide what information, if any, may be disclosed in a security risk hearing. The bill failed in the Senate. The Union said that the proposal did not meet the basic questions of confrontation, which the Court said was a clearly marked "constitutional danger zone"—such as whether confrontation was constitutionally mandatory in all cases, whether the accusers are idle gossips or professional government undercover agents. The Union also objected to a provision of the proposed legislation extending the security program to all employees of any person or establishment having a contract with a federal military department. This could apply, for example, to every faculty member of any university working on a military project.

By and large, public debate over internal security practices has steadily decreased in the years since Senator Joseph R. McCarthy held sway in the capitol. In two major incidents, however, the issue again became a source of controversy. The most recent example was the defection of two code experts to the Soviet Union, prompting two congressional inquiries into clearance procedures and a statement by President Eisenhower that the entire internal security system bears re-examination. The other incident which provoked national headlines was the disclosure that an Air Force reserve training manual entitled "Communism in Religion" attacked the National Council of Churches as having been successfully infiltrated by Communists. Following a barrage of protest, the manual was withdrawn by Secretary of Defense Thomas S. Gates. This move was hailed by the ACLU which coupled its action with a request that the Defense Department prepare a directive for all military services explaining the fundamentals of civil liberties in view of the attack on constitutional rights contained

in the manual. The most glaring error in the manual, said the Union, is its direct attack on the First Amendment's guarantees of free speech and association through the vaguely defined use of such words as "subversive," "Communist" and "Communist-front". The ACLU also condemned the pamphlet's attack on freedom of religion and freedom of expression for religious groups in making charges against individuals and groups without granting "even the pretense" of due process rights such as cross-examination and confrontation.

STATE AND LOCAL ACTIONS. The ACLU petitioned the U.S. Supreme Court in a friend-of-the-court brief to rehear the case of Willard Uphaus *(See last year's Annual Report, pp. 85-86.)*, but the court refused to reconsider its verdict. Uphaus subsequently lost a new appeal to the New Hampshire Supreme Court which claimed that a revision of the state law deprived the Attorney General of the power to require answers to questions concerning persons who attended Uphaus' summer camp. The Union said that the contempt conviction and imprisonment of the elderly director of a pacifist-oriented adult camp raised the issue of an individual's right, in accordance with the protections of the First Amendment, "not to be forced to reveal his political associations to a state investigating committee." Another New Hampshire resident, Hugo De Gregory, was released on bail pending an appeal to the state Supreme Court raising essentially the same question as in the Uphaus case. The ruling in De Gregory's case had no bearing on the imprisonment of Uphaus.

A nine-year effort by the New York Civil Liberties Union finally resulted in the peaceful death of the state's controversial security risk law. The legislature allowed the law to expire after the affiliate showed that it had been unnecessarily expensive to operate. The NYCLU had previously successfully defended three city employees who were dismissed under the law but who were reinstated when courts ruled that their jobs were not sensitive positions. The NYCLU's objections to the law were based on the fact that it did not permit confrontation and cross-examination of witnesses by accused persons, a right which is incorporated under a section of the Civil Service Law which permits the dismissal of any employee who advocates or belongs to any group advocating the violent overthrow of the government.

The ACLU of Southern California won the first favorable loyalty oath ruling in a decade from the state Supreme Court when the tribunal ruled in favor of Mrs. Virginia Wilson, who had been barred from a Los Angeles civil service job because she had refused, 12 years earlier, to sign a now-defunct state loyalty oath. Mrs. Wilson said she was willing to sign an oath requirement in a current law. The court said that "we cannot assume that one who might have been disqualified for reasons of prior associations reflecting on loyalty will forever after remain disqualified for that reason." Such "unreasonable and capricious" judgments, said the opinion, violate freedoms protected by the First and Fourteenth Amendments.

UNEMPLOYMENT INSURANCE. New York state's highest court, the Court of Appeals, upheld one set of arguments raised by

the NYCLU in ruling that the state must pay unemployment insurance benefits to a former employee of the Communist Party, William Albertson. *(See last year's Annual Report, p. 87 for this and other similar cases.)* The court declared, however, contrary to the affiliate's contention, that under the 1954 federal Communist Control Act, the state had the constitutional right to exclude the Communist Party from its unemployment insurance program and refuse to accept taxes from it, as the state has refused to do since 1957. Albertson had been employed by the Party in 1956. Similar verdicts were returned by other state courts in which ACLU affiliates supported appeals. The Pennsylvania Supreme Court reversed a lower court in ruling that employees discharged as security risks because they invoked Fifth Amendment privileges against self-incrimination are nevertheless entitled to unemployment compensation. The verdict applied to Evelyn Darin and Paul E. Ault. And in California, the state Supreme Court found that Marion R. Syrek was entitled to unemployment benefits even though he turned down a job referral to a state job because, on ground of conscience, he refused to take a loyalty oath.

4. Military Justice

COURTS-MARTIAL FOR CIVILIANS. The U.S. Supreme Court handed down verdicts in four cases which, in effect, ended the application of military justice to all civilians with the armed forces overseas who commit any crime. Civilians, as well as dependents of military personnel, are entitled to rights which a court-martial does not provide, the Court said, such as the right to indictment, jury trial and bail protected by the Fifth and Sixth Amendments. The high court had, in 1957, reversed its own previous ruling and said that the wives of two soldiers who committed murder overseas were unconstitutionally convicted by a military court. In its latest decisions, the Court extended this right to all civilians and to non-capital cases as well.

RIGHT OF ASSOCIATION. The ACLU and the Workers Defense League continued their joint efforts to end harassment of prospective draftees and inducted soldiers because of their political beliefs. *(See last year's Annual Report, p. 88.)* The latest protest concerned Pvt. Melvin Stack of New York City who had been drafted after being fully interrogated on his membership in the Socialist Party-Social Democratic Federation. Although Stack had not been found to be a security risk, he has been discriminated against by being moved to four different bases in a little more than a year, preventing his opportunity to serve continuously in any job for which he may be qualified. In addition, said the protest, Stack has been harassed through questioning by the Counter-Intelligence Corps on the political views and associations of a civilian who attended a series of discussion groups which Stack also attended; the series was held in but not sponsored by the Unitarian Church of San Antonio. Persons such as Stack, said the Union and the WDL, "have not sought out the Army. The Army should not seek out a way to degrade them by not permitting them to serve normally." After the protest was made, Pvt. Stack was promoted.

WIRETAPPING

COURT DECISIONS. The U.S. Supreme Court agreed to review a U.S. Court of Appeals decision affirming the right of state officials to use wiretap evidence in state trials. The appelate court verdict lifted a temporary injunction that had been issued on the grounds that under the Federal Communications Act it is illegal to use wiretap evidence and that prosecutors who introduce such evidence in a state court could be guilty of a federal crime. The disclosure of wiretap information is already barred in federal courts. Hinging their decision on the separation of state and federal powers, the majority of the Court of Appeals stated that federal courts should not "interfere with the prosecution of a state criminal proceeding in order to provide an additional means of vindicating any private rights created by the Federal Communications Act." A separate concurring opinion, however, dismissed this line of reasoning. The jurist explained that he voted with the majority only because "I am not willing to assume that a New York State trial judge will permit such evidence to be admitted over the objection of defense counsel. After all," he added, "New York State judges, as we, were bound when they took office, to support the Constitution." The New York Civil Liberties Union filed a friend-of-the-court brief opposing the disclosure of wiretap evidence in the state trial, which involved the prosecution of Burton N. Pugach, a Bronx lawyer, who was charged with conspiracy to maim his fiancee. Before the state trial Pugach had asked the Federal District Court to enjoin the local District Attorney from using wiretap evidence. Before the Court of Appeals acted a New York City judge said he would no longer approve wiretapping applications submitted by the District Attorney's office. Under New York state law, police officials seeking to place a tap must receive permission from a judge. Such court orders are widely disregarded, however, according to a study for the Pennsylvania Bar Association financed by a grant from the Fund for the Republic. In New York City alone, the survey estimated that 13,000 to 21,000 illegal taps are placed annually by detectives and other officials. The estimate was challenged by district attorneys.

CONGRESS. The Pugach ruling by the U.S. Court of Appeals prompted the introduction of companion bills in the Senate and House which would permit wiretapping under state laws if the tap was authorized by a court order and if there were reasonable grounds for believing the interception might disclose the evidence of a crime. Five states; Maryland, Massachusetts, New York, Nevada and Oregon, now permit court-approved wiretapping by law enforcement officials. The ACLU opposed the bills on the grounds that wiretapping, with or without court orders, "is a serious invasion of the right of privacy." The Union added that the proposed laws also violate the Fourth Amendment's guarantees against unreasonable search and seizure. No action was taken by the Congress on these bills.

ILLEGAL POLICE PRACTICES

VAGRANCY AND DISORDERLY CONDUCT. The U.S. Supreme Court, for the first time in its history, set aside a loitering and disorderly conduct conviction for lack of evidence. The unusual verdict came in the case of Sam Thompson, who was supported by the Kentucky Civil Liberties Union in his claim that the convictions were an unconstitutional violation of due process. Thompson claimed he was arrested because he had secured counsel to defend him against an earlier vagrancy charge. The case was appealed directly to the high court because under Kentucky law two $10 fines were too small to be reviewed by any state court. *(See last year's Annual Report, p. 92.)* In two actions by the Arizona Civil Liberties Union, the affiliate defended a disabled veteran who was arrested for vagrancy after police harrassed him for being unable to lift his hands over his head or pick up a wallet from the sidewalk, and is challenging a Tucson loitering ordinance under which a student and a part-time gardener were arrested although both were self-supporting. Similar arrests in California were opposed by the ACLU of Northern California, which successfully defended two physicians who were out for an early morning stroll, two North Beach residents whose presence irritated a local policeman, and a butcher who was singled out as one of two white patrons in a bar patronized by Negroes. The California state Supreme Court struck down a section of the vagrancy law that defined a "common drunk" as a vagrant. Consequently, persons who were serving sentences as common drunks were released. A South Salt Lake City Justice of the Peace gave six gypsies suspended jail sentences for public drunkenness on condition that an entire gypsy community of 200 be removed across county lines, which they were. The ACLU of Utah called the procedure "a flagrant violation of due process."

ILLEGAL SEARCH AND SEIZURE. The U.S. Supreme Court ruled that suspicion alone is insufficient grounds on which the FBI can make an arrest. The high court set aside the conviction of John Patrick Henry on the charge of unlawfully possessing several cartons of radios because the radios were not discovered until after the arrest.

The ACLU of Southern California is vigorously combatting a tide of false arrests by Los Angeles police, which frequently are accompanied by police brutality. The Illinois Division, ACLU is gathering specific data on complaints that police are searching an increasing number of cars driven by Negroes and Puerto Ricans following minor traffic violations. The Colorado Branch of the ACLU protested the arrest of a newspaperman from Ghana who was taking pictures of Denver policemen subduing and arresting a drunk. The Branch also urged a revision of a police manual which permits police suppression of news pictures "if he deems such action necessary." The Arizona Civil Liberties Union filed a friend-of-the-court brief on behalf of a man convicted of operating an illegal gambling establishment after police broke in without a search warrant.

REGISTRATION AND ROUNDUPS. The California Supreme

Court voided felony registration ordinances in all cities of the state on the ground that state legislation had pre-empted the field of criminal legislation. The ACLU of Southern California supported the test case challenging a Los Angeles ordinance and was also opposing similar ordinances in two other cities. The opinion of the court, while not dealing with the basic constitutional questions, agreed with the affiliate's brief that such laws interfere with the rehabilitation of offenders. A registration law was shelved by the Tucson City Council after representatives of the Arizona Civil Liberties Union and other groups testified the proposal was both a violation of civil liberties and unnecessary. The New York Civil Liberties Union criticized police attempts to fight juvenile crime by means of general roundups and unnecessary force. "By-passing due process of law," said the NYCLU, "will not cure the situation or increase respect for law and order." Protests by the Greater Philadelphia Branch of the ACLU have ended police raids on a number of coffee houses in which dozens of patrons were arrested "en masse," without warrants.

BRUTALITY. A damage suit against the city of Chicago and 13 policemen under the federal Civil Rights Act will be heard by the U.S. Supreme Court. *(See last year's Annual Report, p. 90.)* The family of James Monroe contends that their rights to due process and equal protection of the law were violated when police burst into their apartment, beat them and questioned Monroe on a murder charge. The high court also agreed to hear an Illinois Division, ACLU plea for a writ of habeas corpus on behalf of Emil Reck, whose murder conviction, the affiliate argues, was based solely on a confession beaten out of him. In a rare instance of cooperation, the Illinois State's Attorney has promised the affiliate he will open a grand jury investigation into the fatal shooting of Joseph August by a policeman. The policeman claimed he shot to halt a fleeing rapist, but medical examination showed that the victim was beaten before he was killed by bullet wounds. The ACLU of Northern California provided counsel to three San Quentin inmates who sought writs of habeus corpus on the grounds that their confessions to armed robbery were coerced by third-degree methods and that their detention was unconstitutional and unlawful. Meanwhile, a federal grand jury in Florida indicted 13 state prison officials for abusing prisoners in violation of the section to the U.S. Criminal Code prohibiting a conspiracy to deny constitutional rights; the men were subsequently acquitted.

ILLEGAL DETENTIONS. A bill, backed by the ACLU's Rhode Island affiliate, to strengthen the rights of detained persons by specifying a six-hour time limit for charging a suspect and guaranteeing quick arraignment and the right to speak to his attorney, passed the state Senate but failed in the House. Only three states now have formal time limits for charging suspects after arrest and in one of them, Missouri, the St. Louis Civil Liberties Committee is investigating the apparently common practice of holding prisoners almost up to the 20-hour limit, releasing them, and then putting them under new arrest. Five states require "forthwith" arraignments; 24 require it "without un-

reasonable delay;" and 15 states impose no statutory time limit for arraignments. The Iowa Civil Liberties Union received an apology from Davenport police who said they were not aware of the existence of a law giving prisoners the right to contact their family or lawyer immediately. The police held two youths incommunicado for several hours. The Minnesota Branch of the ACLU is appealing a Duluth police regulation barring drunks who are arrested from using the telephone for six hours after their arrest or after 6 p.m. The Greater Philadelphia Branch of the ACLU protested police detention of a murder suspect for almost 80 hours before he was formally declared a suspect and brought before a judge; and sought to obtain preliminary hearings for disorderly streetwalkers so that they would not be held in jail without hearings for as long as two weeks. The York County chapter of the ACLU of Pennsylvania condemned the jail detention for 71 days without a hearing, of a Puerto Rican migrant farm worker, who was then released for lack of evidence.

SHOPLIFTING. The Illinois Division, ACLU plans to intervene in a suit that will be brought by Michael Caine, a real estate appraiser, against a Chicago department store. Caine's shoplifting conviction—the crime was theft of a 10-cent shopping bag—under a recently passed state law was reversed by a state appellate court. The suit, in which the affiliate will file a friend-of-the-court brief, would test the constitutionality of the statute, which permits merchants to detain suspects on a "probable" suspicion of theft. A new Washington state law permits police to arrest a person without a warrant if the merchant has "reasonable cause" to believe shoplifting was attempted. The ACLU believes such laws violate guarantees of personal security.

POLICE REVIEW BOARD. Following the pioneer efforts of the Greater Philadelphia Branch of the ACLU, Union affiliates in Cincinnati, Detroit, Pittsburgh, Seattle, Los Angeles and Chicago are pressing for the creation of local citizens' review boards to hear civilian complaints against policemen. Minneapolis and York, Pa. recently established such independent boards. After a slow start, the Philadelphia board now has municipal funds, and a permanent staff. Since its creation in 1958 it has heard 107 complaints, 30 of which were forwarded by the affiliate. The campaign by Union affiliates to create such boards, either by statutory authority or through municipal appointment, was one of the most significant due process developments on the local civil liberties scene. The drive was condemned by the National Conference of Police Associations and by the California Department of the American Legion, which labelled the Los Angeles campaign "subversive." One answer to criticism that review boards have a harmful effect on police morale, was the Philadelphia police chief's welcome of the review board.

COURT PROCEEDINGS

ILLEGALLY OBTAINED EVIDENCE. A landmark verdict in criminal law was handed down by the U.S. Supreme Court when it ruled that evidence seized by state officials in violation of the federal

constitution cannot be introduced in a federal trial. In overturning the so-called "silver platter" doctrine, the high court upheld the claim of the ACLU that admission of such evidence would violate the right of privacy guaranteed by the Fourth Amendment. The majority opinion, which extended the heart of the Fourth Amendment to state officers, said that to let federal courts use illegally obtained state evidence was "to encourage subterfuge by federal law enforcement officials." The historic decision was made in two cases, one of which was supported in a friend-of-the-court brief by the ACLU. This proceeding involved the conviction of Jose Torrones Rios for the illegal possession of narcotics in a federal court after a state court ordered a directed verdict of acquittal because the narcotics were illegally seized by Los Angeles police. The other appeal concerned two Oregon men convicted of wiretapping. The wiretap evidence was thrown out of a state court because it was discovered during a search for obscene pictures.

The principles laid down by the U.S. Supreme Court in the Rios decision were previously cited, on the state level, by the New York Civil Liberties Union, which appealed to the state's highest court to discard an ancient rule that certain evidence seized illegally may be introduced at a criminal trial to help convict a defendant. In another New York state case, the ACLU asked the U.S. Supreme Court for a writ of habeas corpus for Samuel Tito Williams, now serving a life sentence for murder. The Union petition said that Williams was convicted solely on the basis of an extorted confession obtained during an unlawful detention prior to arraignment, thus violating his due process rights under the Fourteenth Amendment. The ACLU move is the latest in a 12-year-long case. Another attempt by the Union to set aside a murder confession—this time on the ground that the defendant was about to plunge into a spasm of delirium tremens—was lost in the U.S. Court of Appeals in Washington, D.C. on the technicality that the argument was raised too late for consideration. A third U.S. Supreme Court decision set aside an Alabama robbery conviction because it was based on a confession made when the defendant was apparently insane.

On the state level, the ACLU of Oregon testified before a legislative committee in favor of a law making confessions obtained before arraignment inadmissable but the bill did not pass; the Kentucky Civil Liberties Union completed an exhaustive analysis of the state's century-old Criminal Code and recommended a number of reforms.

CHESSMAN CASE. Caryl Chessman's 12-year battle for a new trial stirred support around the world, inspiring heated controversy over the legality of Chessman's conviction on kidnapping and sex-offender charges and provoking equally fervent debate over the entire question of capital punishment. The ACLU of Southern California, which played a key role in Chessman's many appeals, maintained that Chessman's right to appeal was wrongfully denied because the original trial transcript filed with the appellate court was inaccurate and incomplete, thus denying the author-prisoner his constitutional due process rights. The final execution of Chessman in May, 1960 led to the start of a campaign by the ACLU affiliate to outlaw capital

punishment as cruel and unusual punishment in violation of the Eighth Amendment.

RIGHT TO A FAIR HEARING. A precedent-setting ruling by an Oregon Federal District Court judge supported a brief filed by the ACLU's Oregon affiliate on behalf of state penitentiary inmates who were trying to draw up appeal briefs on their own. The judge said officials cannot prevent prisoners from consulting attorneys, studying law in their cells, or buying law books. The Oregon verdict was cited by the Greater Philadelphia Branch of the ACLU in recommending similar rights to state prisoners. The whole question of determining the circumstances under which convicted indigent defendants may or may not appeal was put before the U.S. Supreme Court by the ACLU in the *McGloin* case which asked the tribunal to end the current multiplicity of standards applied by federal Circuit Court judges and set a single legal standard by which such appeals may be judged. In a 1958 ruling, the U.S. Supreme Court said that the "only statutory requirement for the allowance of an indigent's appeal is the applicant's good faith." Many judges, however, have placed the added factor of the financial strain on the bench and bar by the indigent's appeal above his right to a fair hearing. The Supreme Court denied McGloin a hearing, so the question is still unsettled.

The ACLU of Southern California won two cases in the state courts when a new trial was ordered for 11 Pasadena Negroes convicted of gambling despite evidence that the municipal statute was invoked in a discriminatory manner, and when a Los Angeles municipal court judge upheld the refusal of eight men to testify before a state rackets investigation on the ground that they rightfully feared federal prosecution if they answered the committee's questions.

In other actions by ACLU affiliates, the newly-chartered Eastern Delaware County (Pa.) Chapter won the reversal of a disorderly conduct conviction by a judge who said "I had to charge him with something;" the Colorado Branch was sustained by the state Supreme Court in its charge that a robbery conviction of William Montoya was unfair because persons with Spanish names are "systematically excluded" from county jury lists; the Maryland Branch persuaded a judge to stop asking accused drunks to sign "guilty" statements so that arresting officers would not have to appear in court; and the Washington state Supreme Court agreed with the Union affiliate that a perjuring witness is deprived of due process when a judge immediately cites him for contempt on the spot instead of waiting for a full trial on the perjury charges which includes full legal protections.

RIGHT TO COUNSEL. A bill passed the Congress which would furnish paid counsel to indigent defendants indicted in criminal proceedings in the District of Columbia. The bills which received the strong support of the ACLU, would provide counsel for defendants appearing in the U.S. District Court, Municipal Court, the Juvenile Court and before the Mental Health Commission. The Pittsburgh Chapter of the ACLU of Pennsylvania intends to petition the U.S. Supreme Court for a writ of habeas corpus on behalf of John Simon

who was given a 20-40 year prison term 18 years after conviction for criminal assault and robbery. Simon, contends the affiliate, was deprived of his legal rights by being forced to sign several confessions, although he could neither read nor write, and was not represented by counsel, even though his IQ is between 55 and 61. The California Supreme Court agreed to review a six-month jail sentence received by Lucy Turrieta, an unwed mother who was jailed for breaking a probation order to "cease having illicit sexual relations." When the case first arose, the ACLU of Northern California argued that the order violated rights and personal liberty and privacy guaranteed by the First, Fourth, Fifth and Ninth Amendments and the due process clause of the Fourteenth Amendment. The affiliate's further contention that Miss Turrieta was not advised of her right to counsel in another charge involving alleged fraud in receiving welfare payments was the issue before the state high court.

APALACHIN. The roundup and subsequent trial of 20 participants in a so-called gangland convention held in a private home near Apalachin, N.Y. in 1957 raised serious civil liberties issues, in the opinion of the ACLU and its New York affiliate. Both groups filed a brief with a U.S. Court of Appeals which contended that the convictions were based on evidence seized by police who threw up a road block near the home of convention host Joseph Barbara. Police violated rights of privacy merely for the purpose of an investigation, said the brief, thus invading protections against search and seizure written into the Fourth Amendment. The Federal District Court had ruled that the roadblocks were a proper exercise of the state's power to act when there are reasonable grounds for believing a crime has been committed. The ACLU answered that the stopping of the cars was coercive and did not meet the Fourth Amendment's requirement that probable cause to believe a crime has been committed exists before an arrest without a warrant can be made. Earlier, the ACLU and NYCLU questioned the validity of the government's use of a conspiracy charge in bringing the men to trial. The groups said the indictment really was aimed at alleged false swearing before a federal grand jury and should not have been returned as an alleged conspiracy just because prosecutors did not believe the witnesses' testimony. By this device, they declared, the government circumvented special protections provided in perjury cases. The statement noted the growing use of federal conspiracy indictments and warned that states might use this "legally loose" weapon to curb unpopular minorities, as some Southern states have done in the case of the NAACP.

GRAND JURY TESTIMONY. The New York Civil Liberties Union was active in a number of incidents involving the rights of grand juries and individuals who testify before them. The affiliate sponsored a bill in the legislature, which grew out of the disclosures of TV quiz rigging, which would have barred grand juries from making public presentments which criticize persons or policies but which do not charge the commission of a crime (except in cases

involving public officials). The bill also would apply to another grand jury investigation into Puerto Rican migration and public welfare policies, which the NYCLU sought to block through a taxpayer's suit.

RIGHTS OF JUVENILES. The Washington, D.C. representative of the ACLU urged several reforms in the district's procedures in juvenile law enforcement. Among the recommendations were that no confessions should be taken unless a child's parent or other adult representative is present and that every child or his parent should have the right to a jury trial. In general, said the Union, most juvenile legal procedures are so vague that they would be declared unconstitutional in an adult court. The Metropolitan Detroit Branch of the ACLU joined with a church organization in protesting the frequent practice of a circuit judge of sentencing juveniles to 45 days in solitary confinement on a diet of bread, water and vitamin pills. The affiliate said the punishment was cruel and unusual, in violation of the Eighth Amendment. The Arizona Civil Liberties Union scored a victory on behalf of a youth who was found guilty as a juvenile for petty theft but who subsequently was convicted again when he turned 18 and became subject to the jurisdiction of the Tucson City Court. The affiliate successfully won a dismissal of the second arrest on double jeopardy grounds.

DRIVERS AND THE LAW. The ACLU said that chemical tests for persons charged with drunken driving were "a reasonable exercise of the state's police power to impose conditions to guarantee safety on the public highways." The Union added, however, that a proposed "model law" should include the specific provision that a person be precisely informed that a refusal to take a chemical test will result in revocation of his license. The New York Civil Liberties Union is appealing to the state courts, the denial of a license to a man on the basis of a past criminal record. The state's discretion to refuse a driving license on grounds of political "fitness" was struck down in another state court ruling, which said that the Commissioner of Motor Vehicles had no authority to refuse a license to former Communist Party official Ben Davis, whose conviction under the Smith Act was the basis of the Commissioner's action. The Attorney General of Washington state has held that highway police cannot interfere with the right to travel by establishing spot-checks in order to check drivers' licenses. Union affiliates in Washington state and Northern California insisted that persons convicted of traffic offenses have a right to a jury trial. The Iowa Civil Liberties Union is appealing a new regulation which results in the immediate suspension of a driver's license upon an arrest for drunken driving and before the case is tried. The Greater Philadelphia Branch of the ACLU scored a major victory when the state Attorney General, in response to the affiliate's question, said that the police practice of establishing random roadblocks violates guarantees from unreasonable searches and seizures. *(See last year's Annual Report, p. 94.)*

NEWS MEDIA AND THE COURTS. U.S. Supreme Court Justice

William O. Douglas condemned the photographing or televising of trials as a "vulgarizing process" which undermines the fair administration of justice. Television, he said, increases the anxiety of a witness who knows that millions are watching him while still photographs may "inflame" public sentiment. A public trial, said Justice Douglas, upholding a long-held position of the ACLU, "is for the benefit of the accused, not the press." A judicial committee of the Ohio Supreme Court found that the taping of traffic court proceedings for broadcast later from another location does not violate Canon 35 of the American Bar Association. Canon 35 bars live microphones and cameras from courtrooms. A Cleveland court supported the right of a prisoner to the press if he wants to, reversing a local prosecutor who denied a defendant the right to be interviewed in order to thwart pre-trial publicity. The Georgia Court of Appeals cleared both Atlanta newspapers of contempt on a technicality, but urged the legislature to prevent "trial by newspaper" in the publication of criminal records and other information before a verdict is reached.

INTERNATIONAL CIVIL LIBERTIES

Despite repeated assertions of the United States' support of the "rule of law" in the world, no progress whatever has been made toward American participation in those judicial processes by which law is maintained. An effort was made in the Senate to get rid of the crippling amendment to United States adherence to the International Court of Justice by which the U.S. itself determines what cases allegedly affecting domestic jurisdiction the Court can hear—the first step toward the practical application of law between nations.

The proposal aroused a fury of opposition from isolationist groups, among them the American Legion and the DAR which had backed the earlier Bricker Amendment to quarantine the United States against any international jurisdiction over American law by extending the powers of Congress derived from treaties. Not only was the bill to repeal the so-called Connally amendment bottled up in committee, but the Senate also cut out of the few international treaties that came before it any reference to the International Court. The Union, along with the Administration and the American Bar Association, supported repeal of the Connally amendment, but could not overcome the opposition. A distinguished national committee has been formed to campaign for the repeal of the amendment in the next Congress.

At the United Nations, the U.S. continued to oppose any international treaty for civil rights, reflecting the Administration's deference to the Senate opposition. The human rights covenants remained bogged down in detailed drafting with little likelihood of completion for some years and with doubtful prospects of ratification by any substantial number of nations when completed because of their wide coverage. No limited treaties for human rights were added to the few now in effect. The United Nations remains confined, as it has been for some years, to promoting human rights, not by law, but by studies, conferences and resolutions—all of considerable educational value in impressing the principles on governments and influential sections of public opinion.

The Union continued its efforts at the United Nations through its contacts with the United States Mission, the organization of U.S. national agencies on the United Nations, and the International League for the Rights of Man, with which it is affiliated in company with some thirty national organizations throughout the world. The prospects for progress by international law are slight in an era of cold war and intense nationalism.

U.S. TERRITORIES

PUERTO RICO. Although Puerto Rico is not a territory, but an autonomous Commonwealth associated with the United States by a legal compact, federal laws of a general character apply to it. A bill to define more precisely the relation of federal to Commonwealth law was given extensive hearings, but so much opposition developed that it was not acted upon. The question of Puerto Rico's status continues to be hotly debated in the island between the advocates of statehood, strengthened by the admission of Hawaii and Alaska, the independence movement, now weakened, and the Commonwealth forces in office. Some of the recommendations of the island's Civil Rights Commission, appointed by the governor, were adopted by the legislature. These included elimination of racial discrimination and the strengthening of municipal government, including a provision for minority party representation in city councils.

VIRGIN ISLANDS. Virgin Islanders have long sought both representation in Washington through a resident commissioner like Puerto Rico's, and an elective governor. The Secretary of the Interior for the first time approved a bill in Congress for a resident commissioner elected by the people. It was favorably reported but not passed. The Union supported it. The proposal for an elective governor was deferred; the desire for one has been somewhat appeased by the appointment of a native son as governor.

Since the Virgin Islands are the only area in American jurisdiction without town governments, the islands' committee dealing with all aspects of local government accepted and introduced a bill for that purpose prepared by attorneys for the Union and put into draft form by Judge Albert B. Maris of the U.S. Court of Appeals. The bill was introduced too late in the session for action in 1960.

GUAM. Like the Virgin Islands, Guam wants a resident commissioner in Washington and an elective governor. A bill for a resident commissioner, approved by the Secretary of the Interior, was favorably reported but not passed. The Union supported it.

Despite a considerable degree of self-government, the Navy, which has a major base in Guam, controls all travel under an old executive order, which attorneys think now invalid. A law review article demonstrating its lack of present authority was published by attorneys in Guam and was used by the Union in an effort in Washington to abolish the arbitrary controls. No results have yet been secured. The Navy defends the practice on grounds of security, but avoids every challenge in the courts by issuing permits to the travelers who sue.

SAMOA. American Samoa, unlike the larger Western Samoa, a trust territory which becomes independent in 1961, evidently desires to remain under American control. But it also desires more self-government and the Department of the Interior moved to grant it. A constitution was drafted—the first Samoa has had—and went into effect in April. Although professing the principle of self-government, it leaves in the hands of the Secretary of the Interior a veto power over legislation and court decisions, and retains his power to appoint and remove the governor. The Union criticized the document as inadequate for the purpose of advancing the rights and liberties of the Samoan people, and was assured that experience with these restricted rights would determine what liberalizing changes might be made. Samoans are not American citizens; they are not governed by an act of Congress like other territories. The Secretary of the Interior has practically sole jurisdiction.

OKINAWA. The Ryuku islands, with a population of almost a million Japanese, are governed by an executive order placing almost unlimited power in the hands of a High Commissioner, the general in charge of this strategic U.S. military base.

Following Roger Baldwin's visit to Okinawa in 1959 at the invitation of the High Commissioner, a series of recommendations were made by the Union to the Defense Department and the High Commissioner dealing with greater self-government, civil rights and liberties, liberalization of travel with Japan and revision of the penal code. Both the Defense Department and General Booth, the High Commissioner, have received the Union's suggestions cordially, with expressions of a desire to accord the greatest possible liberties consistent with security.

Some reforms have been made; more are evidently under consideration. The Okinawans, however, are far less interested in reforms or their liberties under a military occupation than in regaining Japanese authority and unity with their own people. However, impractical in view of the international situation, the demand for reversion is ceaseless and universal. The Union has urged closer Japanese-American cooperation in dealing with the Ryukus, and some advances have been made—far too little to affect the passion for return to the motherland or the fears of modern weapons on their little islands.

ACLU AFFILIATES

Arizona: ARIZONA CIVIL LIBERTIES UNION—5849 East Baker Street, Tucson. Cornelius Steelink, Chairman (and Chairman, Southern Area, Tucson). Mrs. Alice Grailcourt, Vice-Chairman (and Chairman, Northern Area, Phoenix), 1114 East Orchid Lane, Phoenix.

California: ACLU OF NORTHERN CALIFORNIA*—503 Market Street, San Francisco 5. Rabbi Alvin I. Fine, Chairman. Ernest Besig, Executive Director, Chapters in Marin County, Mid Peninsula and University of California.

ACLU OF SOUTHERN CALIFORNIA*—323 West Fifth Street, Los Angeles 13. Lloyd M. Smith, President. Eason Monroe, Executive Director. Chapters in Beverly Hills-Westwood, Hollywood, Kern County, Los Angeles City College, Los Angeles State College, Long Beach State College, Orange County, Pasadena, San Bernardino-Riverside Counties, San Diego County, San Fernando Valley, San Gabriel Valley, South Bay, Southwest Los Angeles, U.C.L.A., Ventura County, Whittier, and Wilshire District of Los Angeles.

Colorado: COLORADO BRANCH, ACLU†—1452 Pennsylvania Street, Denver 3. Edward H. Sherman, Chairman. Harold V. Knight, Execuitve Director. Chapter in Boulder.

Connecticut: CONNECTICUT CIVIL LIBERTIES UNION†—Jerome E. Caplan, Chairman. Mrs. Norman Cohen, Secretary, 105 Kohary Drive, New Haven 15. Chapters in Fairfield County, Hartford and New Haven.

Florida: FLORIDA CIVIL LIBERTIES UNION—509 Olympia Building, Miami 32. Howard W. Dixon, Chairman. Mrs. Mollie K. Sanders, Secretary. Chapter in Tampa-St. Petersburg.

Illinois: ILLINOIS DIVISION, ACLU*—19 South LaSalle Street, Chicago 3. Tyler Thompson, Chairman. John L. McKnight, Executive Director.

Indiana: INDIANA CIVIL LIBERTIES UNION†—239 East Ohio Street, Indianapolis 4. Dr. Robert Risk, Chairman. John Preston Ward, Executive Director. Chapters in Bloomington, Gary, Indianapolis, Lafayette and South Bend.

Iowa: IOWA CIVIL LIBERTIES UNION—Kenneth Everhart, Chairman, 3111 S.E. Sixth, Des Moines. Henry Damiano, Secretary.

Kentucky: KENTUCKY CIVIL LIBERTIES UNION—Dr. J. E. Reeves, Chairman. Arthur S. Kling, Secretary, 1917 Maplewood Place, Louisville 5.

Louisiana: LOUISIANA CIVIL LIBERTIES UNION—George A. Dreyfous, President. Wade M. Mackie, Secretary, 1608 Government Street, Baton Rouge.

Maryland: MARYLAND BRANCH, ACLU†—Dr. H. Bentley Glass, President. Jack L. Levin, Chairman, Executive Board. Mrs. Fred E. Weisgal, Secretary, 5740 Cross Country Boulevard, Baltimore 9.

Massachusetts: CIVIL LIBERTIES UNION OF MASSACHUSETTS*—41 Mount Vernon Street, Boston 8. Rev. Gardiner M. Day, Chairman. Luther K. Macnair, Executive Director. Chapters in Hampden, Hampshire, Worcester Counties.

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* Indicates a full-time office is maintained.

† Part-time office maintained.

Michigan: METROPOLITAN DETROIT BRANCH, ACLU—Harold Norris, Chairman. Ernest Mazey, Executive Secretary. Robert C. Hodges, Staff Representative, 1302 Cadillac Tower, Detroit 26.

LANSING CIVIL LIBERTIES UNION—Milton Rokeach, Chairman. Mrs. Alice W. Wallace, Secretary, 1000 North Washington, Lansing 6.

Minnesota: MINNESOTA BRANCH, ACLU† — Midland Bank Building, Minneapolis 1. Robert G. Zumwinkle, President. Marshman Wattson, Executive Secretary.

Missouri: ST. LOUIS CIVIL LIBERTIES COMMITTEE—Harold Norman, President. Mrs. Carolyn Losos, Secretary, 818 South Brentwood Boulevard, Clayton 5.

New Jersey: ACLU OF NEW JERSEY—Emil Oxfeld, President. Robert Marks, Secretary, 140 Thomas Street, Newark.

New York: NEW YORK CIVIL LIBERTIES UNION*—156 Fifth Avenue, New York 10. Victor S. Gettner, Chairman. George E. Rundquist, Executive Director. Chapters in Westchester County: Central and Long Island Shore; in Nassau: North Shore and Mid-Nassau.

NIAGARA FRONTIER (BUFFALO) BRANCH, ACLU—Robert North, Jr., Chairman, 16 St. James Place, Buffalo 22.

Ohio: OHIO CIVIL LIBERTIES UNION*—710 Ninth Chester Bldg., Cleveland 14. Sidney D. Josephs, Chairman. Mrs. Vivian J. Donaldson, Executive Secretary. Chapters in Akron, Cincinnati, Cleveland, Columbus, Dayton, Oberlin, Toledo, Yellow Springs and Youngstown.

Oregon: ACLU OF OREGON—P.O. Box 774, Portland 7. Charles Davis, Chairman. George D. Leonard, Secretary.

Pennsylvania: ACLU OF PENNSYLVANIA*—260 South 15 Street, Philadelphia 2. Alexander H. Frey, President. Spencer Coxe, Executive Director. Chapters in Pittsburgh† (2602 Grant Bldg.), Harrisburg, Lancaster County, and York County.

GREATER PHILADELPHIA BRANCH, ACLU*—260 South 15 Street, Philadelphia 2. Henry W. Sawyer, III, President. Spencer Coxe, Executive Director. Chapter in Delaware County.

Rhode Island: RHODE ISLAND AFFILIATE, ACLU—Milton Stanzler, Chairman, 626 Industrial Bank Bldg., Providence.

Utah: ACLU OF UTAH—Adam M. Duncan, Chairman. Mrs. Pat Coontz, Executive Secretary, 2974 Morningside Drive, Salt Lake City.

Washington: ACLU OF WASHINGTON†—Prof. Arval A. Morris, Chairman. David J. Smith, Executive Secretary, 119 8th Avenue, Seattle 4.

Wisconsin: WISCONSIN CIVIL LIBERTIES UNION—408 West Gorham Street, Madison 3. Morris H. Rubin, Chairman. Mrs. Esther Kaplan, Executive Secretary.

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* Indicates a full-time office is maintained.

† Part-time office maintained.

STATE CORRESPONDENTS

(In states and territories where the Union does not have organized affiliates, these correspondents assist the ACLU by securing information and giving advice on local matters. They do not represent the Union officially.)

Alaska—James E. Fisher, 534 Second Avenue, Anchorage

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Georgia—Morgan C. Stanford, 1431 Candler Building, Atlanta 3

Hawaii—Miss Mildred Towle, 431 Namahana Street, Honolulu

Idaho—Alvin Denman, Idaho Falls

Kansas—Raymond Briman, Columbian Building, Topeka

Maine—Prof. Warren B. Catlin, Bowdoin College, Brunswick

Mississippi—Jo Drake Arrington, 411 Hawes Building, Gulfport

Montana—Leo C. Graybill, 609 Third Avenue North, Great Falls

Nebraska—Prof. Frederick K. Beutel, University of Nebraska, Lincoln

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New Mexico—Edward G. Parham, 124 Richmond Drive, S.E., Albuquerque

North Carolina—James Mattocks, Professional Building, High Point

North Dakota—Harold W. Bangert, 400 American Life Building, Fargo

Oklahoma—Rev. Frank O. Holmes, First Unitarian Church, Oklahoma City

South Carolina—John Bolt Culbertson, P.O. Box 1325, Greenville

South Dakota—Benjamin Margulies, 418 Syndicate Building, Sioux Falls

Tennessee—Leroy J. Ellis III, Commerce Union Bank Building, Nashville

Texas—Prof. Clarence E. Ayres, University of Texas, Austin 12

Vermont—Phillip H. Hoff, 178 Main Street, Burlington

Virginia—David H. Scull, Annandale

West Virginia—Horace S. Meldahl, P.O. Box 1, Charleston

Wyoming—Rev. John P. McConnell, 408 South 11th Street, Laramie

Puerto Rico—Prof. Santos Amadeo, University of Puerto Rico, Rio Piedras

Virgin Islands—George H. T. Dudley, Box 117, Charlotte Amalie, St. Thomas

MEMBERSHIP AND FINANCES

Fiscal Year February 1, 1959, through January 31, 1960

On February 1, 1959, the national ACLU and its 24 integrated affiliates had an enrollment of 41,700. By January 31, 1960, by which time there were 27 integrated affiliates, this figure had grown to 45,935, a net increase of 10%. About 7,300 new members were signed up during that period, but more than 3,000 were dropped for failure to renew their memberships. The ACLU of Northern California, which maintains separate membership and finances, had 4,000 members, some of whom also belonged to the national ACLU. Allowing for this overlap, the Union had a total membership of approximately 49,000 at the close of the fiscal year on January 31, 1960.

During the course of the year, membership dues and contributions totaled $478,600. Income of $8,100 from other sources brought the total to $486,700, an increase of 22% over the previous year. Expenditures were $19,000 less than income.

Bequests from the estates of former members totaling $44,300 added to the Union's reserve. Net worth rose from $66,300 at the beginning of the fiscal year to $139,204 at the end.

The average member contributed $10.58 during the year. About 15% gave less than $5, 50% between $5 and $9.99, 30% between $10 and $24, 3% between $25 and $49, 1% between $50 and $99, and 1% $100 or more. Those contributing more than $200 during the 1959-60 fiscal year were:

Rowland Allen, Indiana; William Prescott Allen, Texas; Mr. and Mrs. John P. Axtell, New York; Mrs. Helen D. Marston Beardsley, California; John Becker, Italy; Laird Bell, Illinois; William Benton, New York; Mr. and Mrs. Edgar Bernhard, Illinois; Daniel J. Bernstein, New York; Alfred H. Billstein, Ohio; Dr. Nelson M. Blachman, New York; Mrs. Sylvia Braverman, California; Miss Julia C. Byrant, Connecticut; Mrs. Esther Smith Byrne, California; Mr. and Mrs. Roger S. Clapp, Massachusetts; Hon. Joseph Sill Clark, Jr., District of Columbia; Miss Fanny Travis Cochran, Pennsylvania; Edward T. Cone, New Jersey; Professor and Mrs. Albert Sprague Coolidge, Massachusetts; Rev. Stephen T. Crary, Rhode Island; Miss Connie Y. Cuadrez, California; Mr. and Mrs. A. Delacorte, New York; Mrs. Margaret DeSilver, New York; Robert T. Drake, Illinois; Edward J. Ennis, New York; W. R. Everett, Minnesota; Henry G. Ferguson, District of Columbia; Walter D. Fisher, Kansas; Walter T. Fisher, Illinois; Mrs. Stanton A. Friedberg, Illinois; Harvey Furgatch, California; Mr. and Mrs. J. W. Gitt, Pennsylvania; William Goffen, New York; Herbert G. Graetz, Massachusetts; Mr. and Mrs. Philip H. Gray, California; William Roger Greeley, Massachusetts; Richard Grumbacher, Maryland; Mr. and Mrs. Wilbur G. Hallauer, Washington; Mrs. Donald M. Harris, New York; Mr. and Mrs. Gilbert Harrison, District of Columbia; Hatfield Electric Co., Indiana; Henry Hirschberg, New York; Davis R. Hobbs, Pennsylvania; B. W. Huebsch, New York; International Ladies Garment Workers' Union, New York; Mrs. Sophia Yarnall Jacobs, New York; J. M. Kaplan, New York; Mr. and Mrs. Albert Kaufman, New Jersey; Dr. and Mrs. W. S. Kiskadden, California; Mrs. William Korn (for the Mayer Family), New York; Dr. Austin Lamont, Pennsylvania; Robert Maxwell Lauer,

Delaware; Carter Lee, District of Columbia; Hon. Herbert H. Lehman, New York; Alan Jay Lerner, New York; Mrs. V. G. List, Connecticut; Mrs. Sanford Lowengart, California; E. B. MacNaughton, Oregon; Mr. and Mrs. Patrick Murphy Malin, New York; Arnold H. Maremont, Illinois; H. Zacharias Marks, Florida; Merle H. Miller, Indiana; William W. Mullins, Pennsylvania; Richard Ottinger, New York; Mrs. Joan B. Overton, New York; Mrs. Gertrude Pascal, New York; Dr. Linus Pauling, Jr., Hawaii; Dr. and Mrs. Robert B. Pettingill, Florida; Frank C. Pierson, Pennsylvania; Dr. Dallas Pratt, New York; George D. Pratt, Jr., Connecticut; Mrs. Jane A. Pratt, Connecticut; Robert O. Preyer, Massachusetts; H. Oliver Rea, New York; Mr. and Mrs. Chester Rick, New York; Thatcher Robinson, Illinois; Miss Charlotte Rosenbaum, Illinois; Walter S. Rosenberry III, Colorado; Mrs. Alan Rosenthal, District of Columbia; Sidney M. Roth, Illinois; Mrs. Alice F. Schott, California; Mrs. Stephen Schott, Oregon; R. H. Scott, California; Mrs. Herbert Sieck, Illinois; Mrs. Eleanor Lloyd Smith, California; Lloyd Melvin Smith, California; Dr. and Mrs. John Spiegel, Massachusetts; Mr. and Mrs. Arthur I. Stephens, Illinois; J. David Stern, New York; Ann R. Stokes, Pennsylvania; Mr. and Mrs. James Struthers, New Mexico; Tim Taylor, Virginia; Mr. and Mrs. Lee Thomas, Kentucky; Willis Thornton, Ohio; Miss Anne L. Thorp, Massachusetts; John B. Turner, New York; Mr. and Mrs. Frank Untermyer, Illinois; George Wallerstein, California; Mrs. George West, California; Mariquita West, California; Duane E. Wilder, Pennsylvania; Edward Bennett Williams, District of Columbia; Miss Mary C. Wing, New York. Three anonymous contributions of $1,000, of $250 and of $200 were received.

In addition to its regular fiscal operations, the Union continued to supervise the Roger N. Baldwin-ACLU Escrow Account, administered by the Fiduciary Trust Company. During 1959-60 the Account's book-value Net Worth remained almost stationary at $35,500, but the market value of its securities declined from approximately $66,600 to $58,000.

1959-60 MEMBERSHIP ENROLLMENT

NUMBER OF MEMBERS FEBRUARY 1, 1959		41,700
New members enrolled during fiscal year	7,312	
Dropped: deceased, resigned, delinquent, etc.	3,077	
Net increase during fiscal year		4,235
NUMBER OF MEMBERS JANUARY 31, 1960		45,935

1959-60 FINANCIAL REPORT

INCOME

	Number	Amount
New members' initial dues payment	7,312	$53,578.71
Membership renewals	32,149	350,420.95
Special Funds contributions	7,730	74,599.33
TOTAL MEMBERSHIP INCOME	47,191	$478,598.99
Executive Director's honorariums		1,420.64
Sale of pamphlets		849.31
From ACLU-Roger N. Baldwin Escrow Account		3,600.00
TOTAL REGULAR INCOME		$484,468.94
Extraordinary contributions earmarked for national office Legal Expansion Fund		2,225.50
TOTAL CURRENT INCOME		$486,694.44
Bequests from the estates of former members and friends:		
Adelaide Farrar	$19,057.33	
Margaret G. Phoutrides	10,000.00	
Ruth S. Tolman	9,000.00	
Ruth F. Weinberg	2,500.00	
Walter Verity	2,267.77*	
H. C. Turner	900.00	
Arthur M. Hyde	500.00	
William Norton	118.73	
		$44,343.83
TOTAL ALL INCOME		$531,038.27

* $1,500 went to Illinois Division.

EXPENDITURES

TRANSFERS TO INTEGRATED AFFILIATES from joint membership income, i.e., all contributions received from members in each affiliate's area, except those earmarked for specific national or local purpose.

	Affiliate's Net Worth 1/31/60	Affiliate's additional local income	TRANSFERRED from joint memb. income
Southern California	$13,917.63	$13,979.94	$65,435.46
N.Y.C.L.U.	20,200.00	7,500.00	28,943.88
Illinois Division	2,867.00	5,208.00	24,324.62
Penna. & Phil. Brs.	2,522.00	1,415.00	19,474.30
C.L.U. of Massachusetts	4,921.54	50.00	17,020.59
Ohio C.L.U.	2,715.76	50.00	10,271.10
ACLU of Washington	897.56	681.99	5,857.37
Minnesota Branch	2,668.00	15.00	5,197.80
Indiana C.L.U.	(2,578.41)	202.15	4,877.33
Colorado Branch	75.46	770.19	3,936.10
Florida C.L.U.	2,422.61	958.00	3,667.75
Maryland Branch	252.03	*none*	2,999.10
Connecticut C.L.U.	2,014.66	718.50	2,594.90
Detroit Branch	880.00	587.50	2,260.00
St. Louis Committee	1,600.00	*none*	1,462.00
Kentucky C.L.U.	(417.00)	500.00	1,442.36
Wisconsin C.L.U.	2,100.00	*none*	1,103.00
ACLU of Oregon	1,141.86	2,242.50	974.55
Louisiana C.L.U.	910.37	*none*	707.30
Iowa C.L.U.	404.42	50.00	689.70
Arizona C.L.U.	152.21	574.89	379.60
Niagara Br. (Buffalo)	297.28	*none*	305.80
Rhode Island C.L.U.	147.82	*none*	269.90
C.L.U. of Utah	154.50	*none*	250.40
Lansing C.L.U.	324.13	*none*	191.20
			$204,636.11

EXPENDITURES (*continued*)

MEMBERSHIP OPERATIONS	
Salaries	$44,027.50
New promotion	19,069.22
Annual renewal	8,645.63
Semi-annual special appeals	4,708.42
	$76,450.77
FUNCTIONAL OPERATIONS	
Salaries	$68,035.33
Legal work—cases, incl. A. G. Hays Memorial (*See Litigation on opposite column*)	8,613.96
Educational expenses (*See Education on opposite column*)	24,478.22
Miscellaneous (*See Functional Miscellaneous on page 80*)	10,592.77
	$111,720.28
EXECUTIVE OPERATIONS	
Salaries	$38,103.55
Administrative	1,073.71
Board of Directors and general committees	759.28
Miscellaneous corporate and affiliate services	2,248.70
	$42,185.24
JOINT MEMBERSHIP, FUNCTIONAL AND EXECUTIVE EXPENSES (*See Joint Expenses on page 80*)	32,743.68
OPERATING SURPLUS	18,958.36
	$486,694.44
LITIGATION*	
Wilkinson Un-American Activities Committee test case	$1,256.67
Worthy v. State Department passport case	655.72
Immigration cases	596.70
Oregon Text Book case	511.72
Globe and Nelson v. Los Angeles, security case	478.95
Miscellaneous Southern Legal Matters	323.58
Paul Dwyer due process case	322.80
Mackey v. Mendoza Martinez expatriation case	276.28
P.O. Censorship	199.57
McGloin v. U.S. appeal in forma pauperis case	156.10
Thodos housing discrimination case	150.48
WDAY v. Farmers' Education Union	146.20
Williams v. Lavalle habeas corpus case	145.97
Rios v. U.S. illegal search and seizure case	113.60
Barenblatt Un-American Activities Committee test case	100.98
Eaton v. Price search warrant case	100.00
61 cases under $100	1,041.16
Legal work—New York office and Washington, D.C.	358.71
	$6,935.19
ARTHUR GARFIELD HAYS MEMORIAL FUND	
Contribution	1,000.00
Expenses incurred—fund-raising, etc.	678.77
	$8,613.96
EDUCATIONAL EXPENSES	
Civil Liberties, printing costs	$11,104.75
Annual Report, printing costs	6,302.29
Feature Press Service	1,593.51
Pamphlets, reprints, literature purchased	1,133.49
Roper Research on ACLU questionnaire	1,058.49
National Civil Liberties Clearing House	1,000.00
Miscellaneous	2,285.69
	$24,478.22

* Full details on these cases will be found elsewhere in this Report. It should be noted that expenditures indicated above cover only out-of-pocket items such as printing of briefs, travel, long distance phone calls, etc. The Union's cooperating attorneys work without fees.

FUNCTIONAL MISCELLANEOUS EXPENSES

Domestic Committees	$2,064.09
International Committee	298.64
Travel, hospitality, meetings, contributions	2,642.74
Postage, telephone, telegraph	1,662.69
Printing, stationery, supplies; lettershop mailing	963.55
Files, archives, library, clipping service	877.19
Miscellaneous	2,083.87
	$10,592.77

JOINT MEMBERSHIP, FUNCTIONAL AND EXECUTIVE EXPENSES

Rent and cleaning	$9,493.50
Postage	5,954.39
Telephone	3,166.66
Supplies	2,667.02
Stationery and printing	1,234.71
Payroll taxes	3,985.59
Insurance	1,395.69
Audit	2,000.00
Equipment and repairs	561.59
Library and archives	533.77
Bank charges	692.61
Travel and hospitality	506.09
Meetings	154.34
Telegraph	83.05
Lettershop and mailing	15.30
Miscellaneous	299.37
	$32,743.68

BALANCE SHEET

as of January 31, 1960

ASSETS

Cash	$97,106.13
Accounts receivable:	
Airline deposit	425.00
Bail deposit—Wilkinson case	1,000.00
From affiliates	8,219.81
Pledge	1,000.00
Loans receivable:	
Illinois Division	250.00
Indiana Civil Liberties Union	826.23
Ohio Civil Liberties Union	550.00
Greater Philadelphia Branch	423.00
Prepaid expenses due in 1960-61 fiscal year:	
Fortieth Anniversary expenses	1,000.00
Special Funds Appeal	9,500.00
Advance on 39th Annual Report and 40th Anniversary edition of *Civil Liberties*	11,000.00
Investments (book value)	11,075.00
TOTAL ASSETS	$142,375.17

LIABILITIES

Payroll taxes payable	$2,442.98
Staff saving bond purchases	125.35
R. N. Baldwin drawing account	2.60
R. N. Baldwin salary account	600.00
TOTAL LIABILITIES	$3,170.93

NET WORTH, January 31, 1959	$66,327.05
NET WORTH	
Bequest reserve	$83,848.89
Endowment reserve	11,075.00
Working capital	44,280.35
TOTAL NET WORTH	$139,204.24
TOTAL, LIABILITIES AND NET WORTH	$142,375.17

Roger N. Baldwin-ACLU Escrow Account

NET WORTH, February 1, 1959	$35,581.13
Income from investments	2,802.45
Paid to ACLU for Mr. Baldwin's part-time services	3,600.00
Custodian fee	150.00
EXCESS, expenditures over income	$947.55
NET WORTH, book value,* January 31, 1960	$34,633.58

* *Market value of securities in Account on January 31, 1960: $58,029.88.*

Certificate

In our opinion, the attached financial statements present fairly the financial position of American Civil Liberties Union, Inc., and the R. N. Baldwin Escrow Account at January 31, 1960, and the results of their respective operations for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

APFEL AND ENGLANDER
Certified Public Accountants

A copy of the complete auditor's report will be sent on loan to any member on request. The ACLU's financial and accounting methods are endorsed by the National Information Bureau, 205 East 42nd Street, New York 17, N.Y., a private agency organized to help maintain sound standards in philanthropy and to provide contributors with information and advice.

Contributions to the American Civil Liberties Union are not deductible for income tax purposes, since the Treasury Department has held that a "substantial part" of the Union's activities is directed toward influencing legislation. The ACLU itself pays no taxes other than Social Security, Old Age Benefit and Workmen's Compensation levies in connection with its employees' salaries.

JOIN THE AMERICAN CIVIL LIBERTIES UNION*

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue, New York 10, N.Y.

The ACLU needs and welcomes the support of all those — and only those — whose devotion to civil liberties is not qualified by adherence to Communist, Fascist, KKK, or other totalitarian doctrine.

Here is my $..... membership contribution to the work of the ACLU, fifty cents of which is for a one-year subscription to *Civil Liberties*.

PLEASE PRINT CLEARLY

NAME .....

ADDRESS .....

CITY ..... ZONE ..... STATE .....

Occupation .....

* If you already belong, won't you pass this Annual Report on to a friend when you have finished it, urging him or her to *join* the ACLU.

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BEQUESTS TO THE ACLU

Between February 1, 1950 and January 31, 1960, the national American Civil Liberties Union has received by bequest a total of $152,000 from the estates of forty-two persons. (Some affiliates have also received bequests.) The legacies have ranged from $20 to $34,000.

The Union regards such gifts with special pride and special obligation, because they represent the legators' final dedication to the preservation of civil liberties in our democracy.

Anyone desiring to make such provision in his or her will may wish to use this language: "I give $..... to the American Civil Liberties Union, Inc., a New York Corporation." If the testator is in an area where there is an ACLU affiliate, and wishes the affiliate to share directly in the bequest, there should be added to the foregoing, "of which $..... shall be applied to the use of its ..... affiliate."

Price of this pamphlet: 75¢ postpaid.
Quantity prices on request.

July 1, 1960

Mr. Alan Reitman
Associate Director
American Civil Liberties Union
156 Fifth Avenue
New York 10, New York

Dear Alan:

Many thanks for your two recent letters. I'm sure the talk you and Pat had with John Oakes of the Times did some good -- if only because of the concern it manifested.

I'm happy to send you, separately, another set of our reports on the sit-ins and 30 copies of "School Desegregation" for distribution to your affiliates. We're pleased by the reception of the school pamphlet so far, and your kind words add to our hopes for it. In quantity, we are making the pamphlet available at cost -- 30¢ each -- plus postage.

Best regards.

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf

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June 24, 1960

Mr. Harold C. Fleming, Executive Director
Southern Regional Council, Inc.
Room 432
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

Dear Harold:

Here is my report on the NEW YORK TIMES situation following a lunch that Pat Malin and I had with John Oakes last week. We made the point that other newspapers may be affected by the pressures exerted on the TIMES because of the Birmingham situation and that we would like to use our good offices to help. The discussion brought out the fact that it was almost impossible to tell whether Southern news reporting had been affected by the libel suits and Oakes checked this with Turner Catledge himself. The consensus was that while certainly there may be some subconscious effect, it would be difficult to prove this.

As for the professional journalism associations making a statement which, in effect, would back up the TIMES, Oakes thought this was impossible. He felt that the associations are just too afraid to act, as witnessed by the way they dragged their heels on the announced investigation of news coverage of the 1952 presidential campaign. However, we will keep on top of the situation and if we feel that we can do more, we certainly do so.

Many thanks again for the materials you sent us in preparation of our annual report. I have only one more request. Could you send us another set of your very excellent reports on the sit-in situation.

Best wishes.

Sent July 1960

Cordially,

Alan

Alan Reitman
Associate Director

October 5, 1960

Mr. Alan Reitman
Assistant Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Mr. Reitman:

Paul Rilling is out of the city this week, but asked me to forward a copy of Kenneth Morland's report on "the Turks" to you. I imagine Paul told you of Dr. Morland's background, that he is head of the department of Sociology and Anthropology at Randolph-Macon Woman's College in Lynchburg, Virginia. He is also a specialist in community relations, and has done several other consultant assignments for us.

Sincerely,

Mrs. Timothy Miller
secretary to Paul Rilling

Enclosure

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November 11, 1960

Mr. Harold C. Fleming
Southern Regional Council
5 Forsyth Street, N.W.
Atlanta 3, Georgia

Dear Mr. Fleming:

Sent
11/14

We are now preparing envelopes for mailing of our 40th annual report and would appreciate your bringing the enclosed list up to date for us.

Thank you.

Sincerely yours,

Alice Bergwerk
Secretary to Mr. Malin

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The Open Forum

Published by the American Civil Liberties Union of Southern California

VOL. XXXVII LOS ANGELES, CALIF. NOVEMBER, 1960 NO. 11

Dr. Pauling Attacks Senate Version of Hearing Record

Dr. Linus Pauling last week lashed back at the Senate Internal Security Subcommittee for inserting implications of Communist support in the record of the scientist's Oct. 11 hearing in Washington, D.C.

The twice-postponed hearing, chaired by Sen. Thomas J. Dodd, resulted in a free-swinging foray over a wide range of personalities and issues, but the Subcommittee backed down from a threatened contempt citation against the Cal Tech scientist.

However, after receiving galley proofs of the hearing record, Dr. Pauling accused the subcommittee of "injustice and unfairness" by adding damaging sections to the record that were not read at the open hearing.

False and Unfair

Dr. Pauling took particular exception to a statement which read: ". . . our interest in Dr. Pauling's petition is justified by Dr. Pauling's own record of service to Communist causes and objectives, many of them related in no way to his special field of science."

The scientist called the statement "unreliable as to facts and false as to implication," and demanded that it be expunged from the printed record.

"The added sections clearly represent an effort to link me with the Communist Party, with Communists, with Communist propaganda, activities, techniques, or infiltration, and with subversion and subversive activities in a way completely unjustified by the evidence presented at my hearings or by any facts whatever," Dr. Pauling said.

Effective Protest

The huge public protest which supported Dr. Pauling's refusal to turn over the names of scientists who circulated his petition against nuclear tests, was credited by "The Nation" magazine and other periodicals with the Committee's failure to issue a contempt citation, thereby avoiding a head-on collision over constitutional rights.

Scores of newspaper editorials and hundreds of petitions of pro-

(Continued on Page 2)

REFUTES RECORD—Dr. Linus Pauling, left, confers with Counsel A. L. Wirin after registering protest over "unjust" implications contained in printed record of hearing before Senate Internal Security Subcommittee.

Student Receives First Study Grant

Kenneth L. Johnson, 22-year-old law student from Baton Rouge, La., has been awarded the first scholarship grant under the fund launched by the Student Council of the Southern California ACLU.

Johnson was expelled from Southern University Law School last March 28 after participating with six other students in a sit-in administration at the Kress store in Baton Rouge.

He has been admitted to the Howard University Law School in Washington, D.C., where he expects to receive his law degree in 1962.

First Installment

An initial grant of $400 was approved by the ACLU academic committee which includes Prof. Melvin Sloan, USC; Dr. Sidney Albert, Los Angeles State College; Dr. James Lien, Long Beach State College, and Dr. Jere King, of UCLA.

Atty. Lloyd Smith, president of the Southern California ACLU, has been instrumental in planning the project.

The fund is being administered by the Claremore Fund, a tax-exempt charitable trust which

(Continued on Page 4)

New Finance Project Spurs Local Growth

Civil Liberties on Installment Plan Seen as Bridge to Financial Security

A "pay as you progress" program designed to stabilize the financial growth of the Southern California ACLU was announced this month in a special appeal to 1000 members by Dr. Eason Monroe, executive director.

Objective of the program is to provide a regular, predictable income for the basic operating expenses of the local office through a "sustainer program" of monthly contributions.

During the past eight years of rapid growth, each year's financial commitments have been based upon "the best guess we can make concerning anticipated income," Dr. Monroe said.

Growth Factor

The sustainer program was adopted as a means of bridging the next three years of expected growth, and providing a sound financial basis upon which the expanding program of the Southern California office can build with certainty.

The installment plan feature was incorporated in the plan to "reduce the pain and resistance" of members answering the call for increased financial support.

Dr. Monroe cited as evidence of local growth the increase from 1500 members and an income of $12,000 in 1952, to a present membership of 7000 and an income of $95,000 (approximately $23,000 of this income was allocated to the national office for its share of membership contributions).

Court Peak

"A steady rise in prestige and respect has marked our work in recent years," Dr. Monroe said, noting that 21 separate legal cases are now in the process of development by Counsel A. L. Wirin with the help of more than 30 volunteer attorneys.

New cases arise at the rate of ten or more each month, but many cannot be handled, even though they have merit, because of the legal expense involved.

During recent sessions of the Legislature, Dr. Monroe added, the ACLU has played a steadily increasing role in the defeat of repressive legislation and in enactment of constructive measures.

By the end of 1963, Southern California membership should exceed 10,000 and total income should total nearly $150,000, he said.

"At this level of membership and income, it will be possible to fulfill much more adequately the very great responsibility which ACLU has to the residents of Southern California, and to support substantially the national program of the Union."

The new plan will be extended to the entire membership in January, when members will be urged to send a single annual contribution for renewal of their membership or join the monthly installment plan under the sustainer program.

Nov. 13 Brunch To Air Need for Police Board

The urgent need for establishment of a Los Angeles police review board will be explored at a brunch Sunday, November 13, from 9 a.m. to 1 p.m. sponsored by the Women's Division of the Southern California ACLU.

The event will be held at the Wilfandel Club, 3425 W. Adams Blvd. Mrs. Leo Branton and Mrs. James Garrott are co-chairmen.

Speakers will include Attys. Henry Lopez, Herman Smith, Morgan Moten, and Hugh R. Manes, active leaders in the formation of the Los Angeles Committee for a Police Review Board.

Proceeds from the affair will be allocated to the work of the Committee and the creation of a model review board that would demonstrate the functions of an official agency.

Admission tickets at $1.25 per person are available at the ACLU office, 323 W. Fifth St., Los Angeles 13.

Orange County Member Fights Recall Campaign

A fact-finding meeting attended by more than 250 persons was held last week to organize support for Joel Dvorman, Anaheim school board member who is under fire for his membership in the Southern California ACLU.

Dvorman, a Fullerton High School student counselor and a member of the board of trustees of the Magnolia Elementary School District, is the target of a recall petition initiated last month.

The petition seeks Dvorman's removal from the Magnolia school board in west Anaheim and is directed against his activities as membership chairman of the Orange County Chapter of the ACLU.

Grounds Cited

The recall campaign also attacks Dvorman for holding an ACLU meeting at his home at which Frank Wilkinson, executive secretary of the Committee to Preserve American Freedoms, was a guest speaker.

Dvorman's support of abolition of the House Un-American Activities Committee also was cited as grounds for the recall move.

At the well-attended meeting of Dvorman's supporters last week, Dr. Eason Monroe, Southern California ACLU executive director and Counsel A. L. Wirin discussed the charges and cited the facts of ACLU's history, functions, and scope of legal, legislative and educational activity.

Hit and Run

Focal point of the campaign against Dvorman is the charge by the recall committee that "the ACLU is a Communist front organization cited by the California Legislative committee."

Dr. Monroe emphasized that this charge stems from a 1943 report of the long-defunct Tenney Committee which was made under the protection of legislative immunity.

ACLU officials repeatedly challenged former Sen. Jack B. Tenney to repeat the charge off the floor of the State Senate, but without success.

The charge, which has been completely repudiated by all responsible sources, is the only accusation by any local or national government agency which links the ACLU with Communist-front support or association.

Repetition of the charge by the Dvorman recall committee has aroused the attention of interested local attorneys who are studying the case with the view of initiating libel action against the recall group, Dr. Monroe said.

Fan Mail Boosts Radio Series

The ancient tradition of listening (as distinguished from TV watching) may be saved from atrophy now that the Southern California ACLU has gone on the air with a series of FM radio programs on station KPFK.

An enthusiastic response from listeners who troubled to phone or write following the debut of the series last month indicated a Hooper rating of respectable intensity.

The second program in the series is scheduled for Wednesday, Nov. 16, from 8:45 to 9:30 p.m.

Dr. Eason Monroe, Southern California ACLU executive director, and Counsel A. L. Wirin will discuss cases involving constitutional freedoms under the Fourth, Fifth, Sixth and Seventh Amendments.

A number of "listening parties" have been arranged in an effort to acquaint new and prospective ACLU members with the programs and policies of the Union.

The series will conclude on Dec. 14 with a Bill of Rights commemorative broadcast.

The Open Forum

Published by the American Civil Liberties Union of Southern California

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DR. PAULING PROTESTS

(Continued from Page 1)

test supported Dr. Pauling's refusal to be a party to possible "harassment and infliction of reprisals upon conscientious Americans."

The national ACLU, however, was the only organization to join as a friend of the court in a petition to the U.S. Supreme Court for a writ of mandate to halt the hearings until Dr. Pauling's rights before the Committee could be determined.

The high court has not yet ruled on the petition. The issues presented by the petition may be rendered moot in the absence of a contempt citation.

In his new bout with the Committee over sections of the hearing record, Dr. Pauling told Sen. Dodd, "I have not served Communist causes and objectives, and I am indignant that your Subcommittee should accuse me of doing so. All of my actions have been characterized by independence.

"All of my life I have striven to discover the truth and behave in a way compatible to the greatest possible extent with the highest moral and ethical principles."

The allegations of Communist influence were "indignantly and vehemently" protested by Dr. Pauling as "completely unsubstantiated by the facts brought out at the hearing."

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The ACLU works to defend, maintain and extend the civil liberties and rights guaranteed by the Bill of Rights and the Constitution. It needs and welcomes the support of all those—and only those—whose devotion to civil liberties is unqualified by approval of totalitarian practices.

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Counsel Tells Importance of Cal. Supreme Court Rulings

● Following is the second in a series of articles prepared by ACLU Counsel A. L. Wirin analyzing court decisions in the past year in cases supported by the Southern California ACLU.

* * *

By A. L. WIRIN
Chief Counsel

During the last year, we have participated, either as a "friend of the court" or provided counsel, in five proceedings in the Supreme Court of California. Three of the five cases were won; one is pending undecided; in the one case lost, the Supreme Court of the United States has granted a review.

In **Abbott v. City of Los Angeles,** the court invalidated an ordinance requiring "ex felons" to register; in so doing, it, at the same time, struck down a large number of similar city and county requirements throughout California; and the broad effect of the court ruling prevents municipalities and counties anywhere in California from adopting such ordinances in the future. The opinion of the court was unanimous; it was written by Justice Raymond E. Peters.

Rehabilitation

The court commented approvingly "upon the modern trend of penology to stress rehabilitation rather than punishment of criminals" and it suggested that registration provisions may run counter to "moral and ethical concepts of decency, human dignity and other theories regarding the assimilation and acceptance of the unfortunate."

Additionally, the court established a broad precedent permitting a challenge in the courts of ordinances and statutes, by a suit for declaratory judgment—so that a victim of an illegal law does not have to run the risk of criminal prosecution and jail sentence, in order to test its constitutionality.

Justice Peters noted "that to exclude examination of penal statutes from the operation of declaratory relief is like 'telling the prospective victim that the only way to determine whether the suspect is a mushroom or a toadstool is to eat it.' "

The Abbott case is one example of the manner in which the ACLU of Southern California functions in the courts.

Parallel Case

Mrs. Virgina Lambert had attacked the Los Angeles registration ordinance and her case had been appealed to the Supreme Court of the United States; that court did not reach the question as to the constitutionality of the ordinance, the court holding only that Mrs. Lambert's conviction should be reversed because the record disclosed that she had had no notice of any requirement to register. Her case then began its slow second round through the courts; but, this time, the prosecution asserted that she **did** have notice; the ACLU appeared as a "friend of the court" in her case.

It became clear to us, however, in her case, the courts could (and probably would) avoid a decision as to the constitutionality of the ordinance by merely ruling on the narrower question as to whether she did or did not receive notice; besides, Mrs. Lambert had been convicted of forgery.

It therefore seemed desirable to us to test the constitutionality of the ordinance in a "better" case—one in which the "ex felon" was subject to as little public (and hence judicial) opprobrium as possible; and preferably, one whose case even had some "moral appeal."

Such a case was that of John Hunley Abbott, whose "criminal record" consisted of a violation of the Selective Service Act—namely leaving a conscientious objectors camp, and doing so solely because of conscience. Abbott's refusal to comply with the Los Angeles registration ordinance, also, was based upon conscience and principle.

Accordingly, at John Abbott's request we launched a test case in his behalf; we moved it along expeditiously through the courts, and into the California Supreme Court, so as to "catch up" with the Lambert case.

The result was that John Abbott won his case; so did Mrs. Lambert; and so did the thousands of "ex felons" who are the victims of police harrassment in the enforcement of city and county registration ordinances.

Employment Oath

Virginia Wilson v. City of Los Angeles. Mrs. Wilson was discharged by Los Angeles County in 1948, for refusing to take the "Tenney Oath" then required of county employees. Upon application a decade later for employment with the city of Los Angeles, the city held her disqualified from such employment solely because of her former refusal to take a "loyalty oath".

Again in a unanimous opinion, this time written by Justice Thomas P. White, the court noted: "Her objection to subscribing to the oath at that time appears to have been based upon her disinclination, for reasons of conscience, to disavow membership in particular organizations which, according to her knowledge, did not advocate the overthrow of the government of the United States by force and violence."

The court established the principle that even an applicant for public employment may not be barred from public service arbitrarily, stating:

> "The right which the petitioner seeks to preserve here—that is, the right to public employment providing that such employment is available and that she meets all reasonable requirements—is entitled to protection, at least against deprivation thereof by arbitrary means. . . ."

Although reaffirming its earlier position that a public employer may by reasonable investigation inquire into the "loyalty" of its employees, the court noted that: "But where there is no rational and substantial connection between the nature of the investigation into loyalty and the qualifications of an applicant an inquiry which requires that he disclose his political affiliation and beliefs constitutes an unreasonable and capricious infringement on the freedoms protected by the Fourteenth and First Amendments of the federal Constitution."

Accordingly the court, by writ of mandate, set aside the action of the Los Angeles board of Civil Service Commissioners. Seymour Mandel was ACLU volunteer counsel.

Free Speech

Katzev v. County of Los Angeles. Again by a unanimous court, with Justice Marshall P. McComb writing the opinion, the court concurred with the views of the ACLU submitted as a "friend of the court" that a "comic book" prohibition violates freedom of speech. It ruled unconstitutional Los Angeles County's "comic book" ordinance, in the most sweeping decision of any court in the United States, on a regulation proscribing distribution of such books.

The court accepted and effectuated the "clear and present danger" rule which we urged (successfully) in the courts in our former court appearance in the Los Angeles Times case (about 25 years ago)—our appearance in that case being also in our traditional role as a "friend of the court". The Supreme Court of California ruled:

"The ordinance is an unjustifiable abridgment of freedom of the press, because distribution of such crime comic books is protected by the state and federal Constitutions, and no showing has been made of a clear and present danger of a substantive evil justifying suppression of the constitutional guarantee."

The court also decided that: "In reviewing the findings of the trial court as to whether an ordinance infringes the First Amendment to the United States Constitution or article I, section 9, of the California Constitution, the court will make an independent examination of the evidence to ascertain whether there has been a violation of either of the provisions . . ."

In addition to ruling favorably to the ACLU position on free speech, the court charted a broad civil liberties course as to what constitutes "due process of law". It accepted the following definition that: "No one may be required at peril of life, liberty or property to speculate as to the meaning of penal statutes. All are entitled to be informed as to what the State commands or forbids," and decided that the ordinance was too vague to define a crime with that clarity which "due process" requires.

Richard Kamins was ACLU volunteer counsel.

Fair Trial

Elizabeth Duncan, Luis Moya and Augustine Baldonado v. California.

In our appearance as a "friend of the court" we attempted to make it clear that our sole concern in this sensational murder case in Ventura county was with "due process"—with right to fair trial and hence the right to a trial, for all persons, free from prejudicial misconduct by the prosecutor.

The Supreme Court of the United States has taken over the case following an adverse ruling by the California Supreme Court. The appeal will be heard in the United States Supreme Court, with ACLU counsel participating in the oral argument this Spring.

Gerald L. Rosen and Richard L. Lissner prepared the ACLU briefs filed as a "friend of the court."

School Use Oath

ACLU and Eason Monroe v. Boards of Education of Los Angeles and San Diego.

ACLU's challenge of the "loyalty oath" currently required as a condition for the use of public school premises for public meetings is awaiting decision.

Abraham Gorenfeld prepared our briefs.

In all our cases in the California Supreme Court, Fred Okrand acted as general consultant; and supervised the preparation of all our briefs.

Key Ruling Due on Sunday 'Blue Laws'

The constitutionality of Sunday "blue laws"—an issue affecting businessmen in some states almost as much as desegregation—will be considered by the U.S. Supreme Court during the current term.

The question of whether the Constitution permits states to forbid business on Sunday has generally depended on local attitudes. But in recent years, as discount houses across the country extended selling to Sundays, other merchants have clamored for the enforcement of Sunday closing laws.

The high court agreed to hear appeals in Massachusetts, Maryland and Pennsylvania cases, indicating that it is considering a finding of great significance.

300-Year-Old Law

The Massachusetts case was brought by a kosher supermarket of Springfield in an appeal by the state of a Federal District Court ruling that the state's Lord's Day Act of 1653 was unconstitutional.

The act was held to violate the constitutional prohibition against favoring one religion over another.

The Maryland and Pennsylvania cases involve two discount firms owned by the same company, Two Guys From Harrison-Allentown, Inc., who are appealing a lower court decision which upheld the closing law. The court ruled that the state could properly prescribe one day of rest each week and that as a matter of convenience it could choose Sunday as the day favored by the majority.

Individual Choice

The national ACLU, in a friend of the court brief supporting the discount firm, argued that the state's police power may not deprive the citizen of his right to choose the day on which he will refrain from labor.

"The fact that the requirement of one day of rest in seven, with the individual choosing the day, would cause inconvenience in enforcement is not sufficient reason to take the right of choice from the individual."

The ACLU brief stressed that old Supreme Court rulings upholding Sunday laws should be overruled in line with recent court decisions in matters of great public concern and changed conditions.

"The automobile age, the distance of shopping centers from concentrated areas of population, the demands of minorities to observe their own days of religious worship, the need of the public for manifold forms of recreation and entertainment on their days of rest—all these call upon the judicial arm of our government to protect the right of all men to choose their form of rest and worship," the ACLU stated.

In some areas where certain Christian sects are strong, the laws are rigidly enforced. In other communities, where liberal Christian sects or non-Christian faiths predominate, the statutes are ignored.

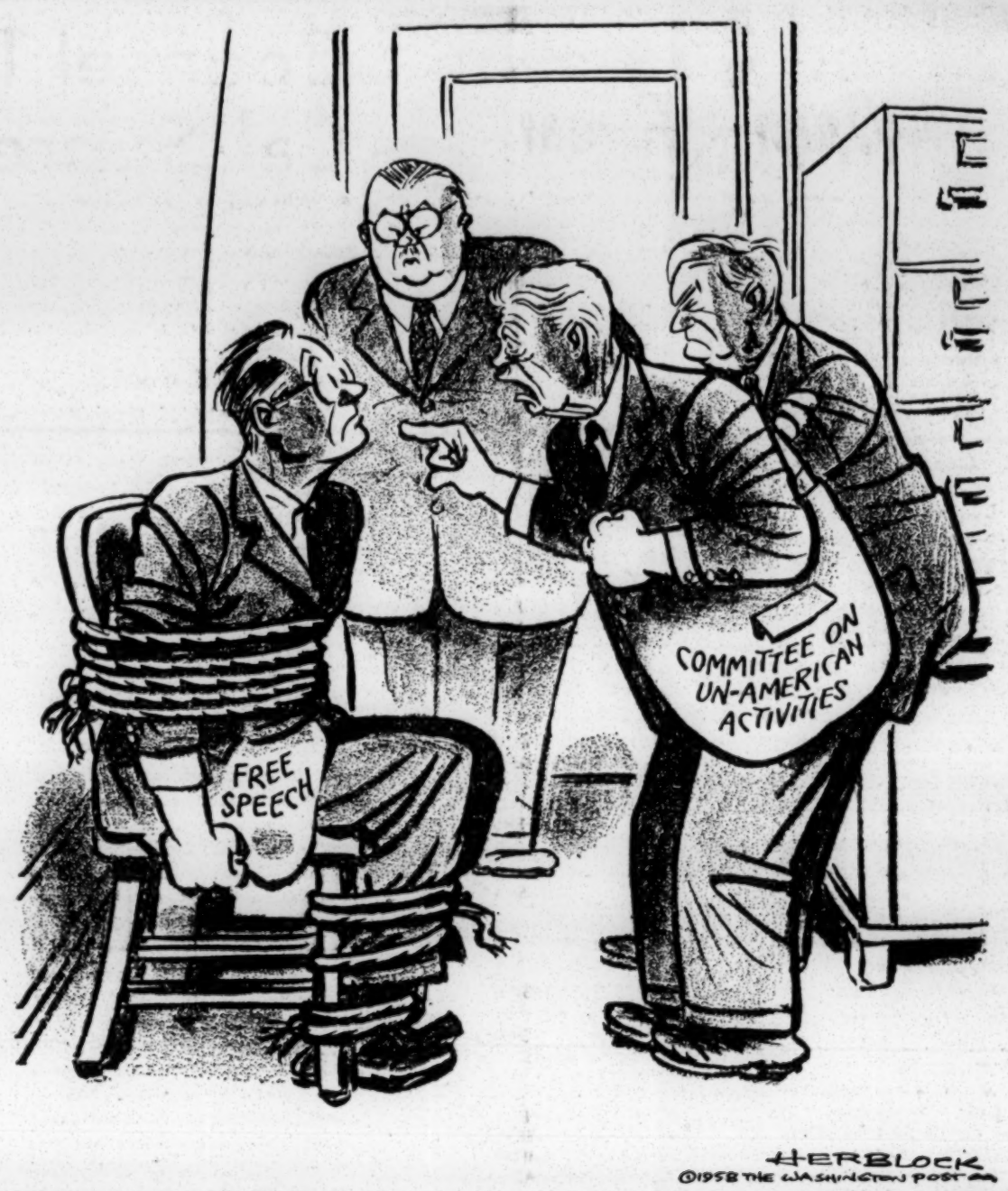
Fall Harvest

A fall harvest of 202 new ACLU members has been reaped so far in the 1960 membership drive conducted in Southern California.

The campaign has topped the results of any membership recruitment effort in recent years, with contributions totaling $1411, an average of nearly $7 per member.

The final results are expected to double the present tally when chapter membership committees complete their area assignments, according to Mrs. Kathryn Walton, associate director.

She also expressed deep appreciation to all ACLU members who assisted with the campaign in numerous ways which helped boost the drive total to a new record.



"All We Want Is The Truth As We See It"

HUAC Film Demonstrates Fine Art of Propaganda

The House Un-American Activities Committee, which supposedly has been investigating subversive propaganda all these years recently decided to try its own hand at it by playing a starring role in "Operation Abolition," a propaganda film all about the gentle strength and patience of the HUAC.

The 40-minute epic, now being shown throughout the country to civic, business, police and school groups, may be purchased directly at $100 a copy from Washington Video Producers, of Washington, D. C., according to the November issue of the ACLU News, published by the Northern California ACLU.

The film purports to show that a few Communists were directly responsible for the huge picket lines and stormy protests which marked the House Un-American Activities Committee hearings in San Francisco last May 13.

Moral of Story

It attempts to portray the demonstrations as a Communist-incited riot in which thousands of students were duped into defying law and order.

The moral of the film is obviously simple: the HUAC is desperately needed to combat such subversive influences.

The ACLU News speculates that the producers of the film have used television newsclips subpoenaed by HUAC investigator William A. Wheeler from San Francisco TV stations KRON and KPIX.

The films "must have been turned over to corporation representatives by the HUAC because the committee subpoenaed films" from both television stations, the News said.

Distortions Conceded

The most damaging appraisal of the film came from Wheeler himself who conceded on an August 9 television program "The Goodwin Knight Show" on KCOP-TV, Los Angeles, that "the film has inaccuracies and distortions."

The Orange County Chapter of the Southern California ACLU prepared for distribution to its own members an analysis of the distortions in the film.

The chapter pamphlet also raises the question of whether the HUAC has exceeded its authority by being a party to the making and distribution of such a film.

Atty. Gen. Raps College Agreement to Bar Sit-ins

"A gentlemen's agreement" among California state college presidents to bar student sit-in demonstrators expelled from Southern colleges has apparently been lifted following intervention by Attorney General Stanley Mosk.

The question of a "uniform policy" informally adopted by state college presidents at a meeting in Sacramento last August was raised when San Jose State College officials reversed their position and agreed to admit St. John Dixon, a Negro student expelled from Alabama State College for participating in a Montgomery lunch counter demonstration.

Dixon, however, will not be admitted until the Spring semester because he registered after the fall deadline when "hundreds of other late applications of fully qualified students had already been denied," according to William J. Dusel, vice-president of the college.

Ban Confirmed

Earlier, four San Jose faculty members said Dusel had agreed to waive the regulation against late admissions in Dixon's case.

The faculty representatives asked the Attorney General's office to take action in the case after John T. Wahlquist, president of San Jose State College, confirmed existence of an informal ban on expelled students.

"It is the uniform practice of accredited U.S. colleges and universities to deny admission to students attempting to transfer from other accredited colleges and universities without an honorable withdrawal from the institution previously attended.

"Accreditation of San Jose State College would be jeopardized . . . if it ignored this practice," Wahlquist stated on Sept. 26.

Official Inquiry

In a letter to Superintendent of Public Instruction Roy E. Simpson, Atty. Gen. Mosk noted that the Dixon incident raises the question of "whether southern segregation policies and reprisals against those seeking enforcement of civil rights will determine the effective admissions policy of California."

Mosk noted that of the nine students expelled from Alabama State College, two are now attending schools in New York and two are now completing their education in Georgia.

"This suggests there is no firm national policy, but that San Jose State College is somewhat unique in enforcing this uniform policy.

"President Wahlquist was emphatic in his view that St. John Dixon could not be admitted because he 'does not have an honorable withdrawal.' Certainly it does not clarify this situation to state that he is not being denied admittance because of his civil rights activities in Alabama, when precisely these activities resulted in his expulsion," Mosk said.

Arrangements for bringing Dixon to San Jose were made by the local chapter of CORE (Congress of Racial Equality) in cooperation with the four faculty members who brought the case to the attention of the Attorney General.

Religious Test Challenged

The national ACLU last month appealed to the U.S. Supreme Court for review of a Maryland law requiring an affirmation of belief in God as a prerequisite to holding public office.

The Union joined with the American Jewish Congress in a test case involving Roy R. Torcaso, of Montgomery County, Maryland, whose appointment as a notary public was cancelled after he refused to sign an oath declaring his belief in the existence of God.

The religious requirement violates the ban on establishment of religion under the First Amendment by aiding religion as against non - religion and transgressing the mandate of neutrality, the ACLU brief declared.

Culver City Limits Political Inquiry

A recently revised employment application form issued by the Culver City civil service shows a pertinent change in its inquiry into political affiliations, apparently to conform to a recent State Supreme Court decision.

The former query asked prospective employees, "Are you now or have you ever been a member of the Communist Party or any Communist organization?"

The question probed further than the state Levering oath required of public employees, which limits the inquiry to five years prior to passage of the oath.

The new Culver City test is limited to present membership in the Communist Party and present advocacy of overthrow of the government by force, violence or unlawful means.

ACLU Counsel A. L. Wirin said the revised form probably results from the recent ACLU-sponsored test case in which the State Supreme Court held that past refusal to take a loyalty oath was not a ground for disqualification from public employment.

"It would follow from this court ruling that past membership in the Communist party or in any communist organization is similarly not a ground for barring applicants from city employment," Wirin said.

The State Supreme Court decision was handed down in the appeal of Mrs. Virginia Wilson who challenged a Los Angeles Civil Service Commission ruling which barred her from city employment for refusal to sign a 1948 county loyalty test.

Dual National Challenges Expatriation

A section of the Immigration and Nationality Act which automatically cancels the citizenship of a dual national — a person born abroad of American parents — was challenged by the national ACLU last month.

The contested provision specifies that ten years' residence in a foreign land is "conclusive presumption" of voluntary military service in that nation's army.

A motion filed by ACLU attorneys in Washington, D.C. asked the Federal District Court to void the provision under which Antonio Cafiero of Jersey City, N. J., was expatriated and ordered deported to Italy as an alien.

Forced Service

The motion argued that Cafiero was forced to serve in the Italian Army from 1953 to 1955; "undisputed evidence" of his involuntary military service was offered.

Former Supreme Court decisions have held that expatriation cannot be decreed except for voluntary conduct, the ACLU said. The high court has ruled that statutes cannot create a conclusive presumption of guilt where a constitutional right is concerned.

The individual must be given an opportunity to rebut the presumption, ACLU counsel argued.

Draft Call

Cafiero's military service came as a result of a draft call, the ACLU said, and he had no "free choice" in determining whether to serve in the Italian military service.

The government contends that Cafiero's military service abroad automatically expatriated him even though the service might, in fact, be involuntary.

SOCIOLOGIST TO VIEW CHANGES IN FREEDOMS

Dr. Herbert Alexander, professor of sociology at Los Angeles City College, will address a meeting of the Hollywood Chapter of the ACLU, Saturday, Nov. 19, at 8 p.m. at 2209 Meadow Valley Terrace.

Prof. Alexander will examine from a sociological viewpoint the ways in which civil liberties have been modified and interpreted during the past 171 years since adoption of the Bill of Rights.

Chapter members are requested to bring a prospective member to the meeting.

Other chapter activities this month include:

LONG BEACH

Atty. Coleman Blease, legislative director of the Southern California ACLU, will speak on "The Work of the ACLU," at a meeting Saturday, Nov. 19, at 8:30 p.m., at the home of Mr. and Mrs. Fred Gabor, 6495 El Jardin.

BEVERLY HILLS-WESTWOOD

ACLU Counsel A. L. Wirin will discuss "The ACLU's Position in the Rockwell Case" at a chapter meeting Wednesday, Nov. 30, at 8 p.m. in the Community Room of the Gibraltar Savings and Loan Association, 9111 Wilshire Blvd.

Chapter members and friends also are invited to attend a meeting of the steering committee, scheduled for Tuesday, Nov. 15, at 8 p.m., at the home of Dr. and Mrs. David A. Marcus, 336 S. Canon Drive.

LETTERS: Student Speaks for the Defense

Dear Sirs:

One of ACLU's handicaps in fast-growing Ventura County is lack of legal advice and representation. It has occurred to me that an attorney with a warm feeling for the Bill of Rights and who is seeking a place to move or establish his practice, might well look to Ventura County.

It is improbable that any attorney becomes wealthy on civil liberties practice, but it is not a money-hungry attorney that I have in mind. There would be sufficient legal practice in addition to civil liberties activity to provide a reasonable living standard for an ACLU attorney in this beautiful but rapidly-expanding county.

This is not a barbaric area, but we have our share of civil liberties problems for which legal advice and representation are required. And these problems will multiply as the population continues to increase at its present rapid rate.

Robert H. Sollen
Oxnard, Calif.

Dear Sirs:

I am currently enrolled at the University of Southern Califonia where I am a cinema major. About two years ago I learned of your A.C.L.U. activities which I felt were in defense of our undeniable rights as citizens and human beings. At that time I contributed $5.00 and became a student member, feeling that a single voice crying in the wilderness is often lost, but that a multitude of voices may command some respect.

Since allying myself with this group, I have been asked by friends and relatives to explain our position in relation to the world around us. I have always mounted the nearest soapbox to proclaim in my proudest tone that A.C.L.U. is like a carbide lamp in a coal mine. It tries to light a pathway through the dangerous tunnels which try to fall and press the miners in a crush of coal and stone.

We feel that we are miners searching for a path of freedom and equality for all men in the mine of human relations. At times, the walls try to fall and trap us with bigotry and hatred along with the rubble of totalitarian government. This is when A.C.L.U. turns on the light. The warm beam floods the fault in the weakened structure for all to see. Sometimes the seer seems blinded by the light, however, and walks beneath the deadly spot to be caught in the fall.

Feeling well satisfied with this allegory, I go about my business. Then, a wide eyed relative thrusts an editorial column snatched from a local paper at me and screams, "Get out of that filthy organization. It's nothing but a Communist Front!" At this, Joe McCarthy wriggles in his hole and smiles an evil smile which spreads like a pox across his earthly remains and steals up into the light of day, clouding the sky with lead and hiding the sun from peoples minds. So hazy do their eyes become that obvious half truths and misstatements appearing in local papers go unnoticed, and praise rings down from the masses on the disciples of Cotton Mather as, in grand old "Salem" style, the scapegoats of society are purged.

In a civilization governed by men elected to their high office and placed in trust with the rights of their brothers through free elections, I can only weep when I see one of these men closing his eyes and following the blind witch hunters of the seventeenth century.

Robert Marion Jacobs
Los Angeles, Calif.

Dear Sirs.

Just ran across this poem by James Russell Lowell which I thought may be worth reproducing in your paper:

And I honor the man who is willing to sink
Half his present repute for the freedom to think,
And when he has thought, be his cause strong or weak,
Will risk t'other half for the freedom to speak.

Vic M. Shapiro
Hollywood, Calif.

SCHOLARSHIP

(Continued from Page 1)

has been made available for the receipt and disbursement of scholastic contributions.

Contributions in excess of $600 have been received to date. Nine applications for financial assistance have been received from students suspended from Southern colleges and universities for their participation in the sit-in movement.

Smith said the trustees of the Claremore Fund and the academic committee considered five of the applicants to be particularly worthy of financial aid.

If adequate funds are available, additional grants will be made next semester.

Johnson also may require further assistance from the fund in order to complete his law studies, Smith said. He plans to practice law in Mississippi when he receives his law degree.

Contributions to the fund are tax deductible and may be sent to the Claremore Fund, Scholarship Fund, 633 Shatto Place, Room 200, Los Angeles 5.

Alaska Election Law Seen as Barrier to Minority Parties

The national ACLU has called on Governor William Egan of Alaska to recommend a change in the state's election code so that minority political parties will have a better chance of placing their presidential candidates on the ballot.

Citing the recent denial of a ballot place to the Socialist Workers Party, the Union said the present system "fatally impairs" a minority party's right to gain access to the ballot in presidential election years.

The Alaskan election code, which establishes the only procedure for nominating electors for President and Vice President, applies only to "political parties."

Burdensome Barrier

An opinion by the state's Attorney General defined political parties as a group of organized voters which receives at least 10 per cent of the total votes at the last gubernatorial election. Under this definition, the SWP, which appeared on the ballot in 12 other states in last Tuesday's election, could not qualify in Alaska.

"We believe this provision is so burdensome and unreasonable that it effectively deprives citizens of Alaska of the right to vote for candidates of their choice and totally stifles the voice of any but the two major parties," the ACLU said.

N. Y. Comparison

As an example of the unfairness in the present election code, the ACLU compared the Alaska provision with the New York state law which grants a place on the ballot to a party which wins 50,000 votes in the last gubernatorial election.

"In 1958," the ACLU said, "more than five and a half million votes were cast for governor in New York and a party needed, therefore, to win less than one per cent of the vote to qualify."

American political history affords a good example of the basic unfairness of the present Alaskan law, the ACLU wrote Gov. Egan.

"In the summer of 1912, the Bull Moose (Progressive) Party brought itself into existence and nominated Theodore Roosevelt for President. At the November, 1912 election, he won more electoral votes than William Howard Taft, the regular Republican candidate.

"If Alaska were then a state, and if its present Electoral Code were in effect, Theodore Roosevelt's name would not have appeared on the Alaska ballot because his party would not have existed at the last gubernatorial election and could not, therefore, have received ten per cent of the total vote cast. The same situation may recur in the future, and the same result would follow because of the unreasonably burdensome and inflexible terms of the Alaska Election Code."

American Civil Liberties Union
of Southern California
323 West Fifth St.
Los Angeles 13, Calif.

via air mail

January 20, 1961

Mr. Alan Reitman
American Civil Liberties Union
170 Fifth Avenue
New York, New York

Dear Mr. Reitman:

It is our understanding that some months ago Mr. Bennett Williams made a speech before the ACLU dealing with the responsibilities of attorneys and bar associations in unpopular causes. We would very much like to have a copy if available.

Thank you.

Sincerely,

Paul Anthony
Executive Assistant

PA/mf

June 19, 1961

Mr. Patrick Murphy Malin
Executive Director
American Civil Liberties Union
156 Fifth Avenue
New York 10, N. Y.

Dear Mr. Malin:

To a person coming into a job such as mine, nothing can be more warmly gratifying than the good wishes of a veteran leader such as yourself. I thank you very much for your letter of May 25th.

I am sure that I speak for all in the Southern Regional Council in acknowledging our appreciation that the American Civil Liberties Union has endorsed in the press and commended to the President and Attorney-General our report, The Federal Executive and Civil Rights. It is good to know that you have found it useful.

With best wishes,

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD:a

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May 25, 1961

Mr. Leslie Dunbar
Executive Director
The Southern Regional Council
3 Forsyth, N. W.
Atlanta 3, Georgia

Dear Mr. Dunbar:

My absence from New York on an organizational trip has caused me to delay this letter of congratulations on your appointment as executive director of the Southern Regional Council. In the civil rights advance made in the South in recent years, the Council has played a major role, and we hope that under your direction, even further progress will be recorded. The Union has always enjoyed working on mutual endeavors with the Council and looks forward to further cooperation.

I am enclosing the text of a public letter to President Kennedy issued by the Union urging him to support civil rights legislation in the Congress. I was glad to point out to him the excellent report prepared by the Council on "The Federal Executive and Civil Rights." It is a comprehensive blueprint for meaningful executive action and we will do all we can to further its study.

Sincerely yours,

Patrick Murphy Malin

Patrick Murphy Malin
Executive Director

enclosure

NEWS RELEASE

AMERICAN CIVIL LIBERTIES UNION, 156 FIFTH AVENUE, NEW YORK 10, N.Y.

E. B. MAC NAUGHTON, Chairman, National Committee
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PATRICK MURPHY MALIN, Executive Director

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Alan Reitman, *Associate Director In Charge of Public Relations*

May 24, 1961

FOR RELEASE: FRIDAY AM NEWSPAPERS, MAY 26, 1961

(ADVANCE) NEW YORK, N. Y., May 25. - The outbreak of violence in Alabama by mobs opposing racial desegregation emphasizes the need for "forceful" Congressional action on a broad civil rights front, the American Civil Liberties Union said today. The civil liberties organization released a letter sent to President Kennedy urging that he"place the full influence of the President's office" behind such a program.

"...the end of violence in Alabama does not solve the basic problem of how to achieve greater progress in the effort toward equal rights for all citizens," ACLU executive director Patrick Murphy Malin said. He added: "So long as it is not clear to every citizen -- a governor or a member of a hate-infected mob -- that the federal government is moving vigorously in all ways to achieve equal rights, last-ditch resistance is encouraged."

Although congratulating the President and Attorney General Kennedy for "swift and firm action" in preventing major bloodshed in Alabama and noting various steps taken by the Administration to speed up the civil rights drive, the ACLU expressed disappointment that the White House would not back an omnibus civil rights bill introduced on May 8 by Senator Joseph S. Clark (D.-Pa.) and Representative Emanuel Celler (D.-N.Y.). The bill embodies the civil rights plank of the 1960 Democratic convention.

"While the Congress is an independent branch of government, it does not legislate in a vacuum. The attitude of the Administration, and the vigor with which that attitude is expressed, influences the course of legislative action. Therefore we are disappointed and dismayed by the announced Administration decision not to support civil rights legislation 'at this time'," the ACLU said.

"What better time is there? We have just passed the seventh anniversary of the historic Supreme Court decision on school desegregation, and still only 6% of the South's 3,000,000 Negro children attend desegregated schools -- not to mention the de facto school segregation in the North and other sections of the country produced in large part by housing discrimination. We have experienced an economic recession in which unemployment of Negro workers was especially severe. We observe daily in the United Nations and around the world the terrible effect on our foreign relations of continuing racial discrimination and segregation in the United States."

The full text of the ACLU letter follows:

"Recent events in Alabama have shocked the national conscience. Mob violence to block American citizens from exercising a constitutional freedom startlingly illustrates the depth of the civil rights problem confronting the country. Only the swift and firm action of the Executive Department prevented major bloodshed, and the American Civil Liberties Union congratulates you and the Attorney General for your vigorous steps to protect American citizens against this flagrant flouting of the law.

"However, the end of violence in Alabama does not solve the basic problem of how to achieve greater progress in the effort toward equal rights for all citizens. So long as it is not clear to every citizen -- a governor or a member of a hate-infected mob -- that the federal government is moving vigorously in all ways to achieve equal rights, last-ditch resistence is encouraged.

"The present Administration has recognized the need to accelerate the civil rights program in several ways -- for example, by appointments to executive offices, by a strengthened government-contract and civilian-employment program, by direct entrance into the Prince Edwards County school desegregation case. And the position of the judiciary is unmistakable.

"However, one major element is missing: forceful action by the Congress. An effort to fill this gap was made by Senator Joseph S. Clark and Representative Emanuel Celler, who on May 8 introduced a six-point program embodying the civil rights plank of the 1960 Democratic platform. The passage of this program would greatly advance the civil rights drive, and yet on May 10 the press reported Press Secretary Salinger as stating that the Administration dissociated itself from the Clark-Celler proposal.

"The Clark-Celler bill is not revolutionary. It would eliminate the poll tax and literacy tests as requirements for voting in federal elections; require school boards operating a racially segregated public school to adopt a desegregation plan within six months and provide for first-step compliance no later than the beginning of the 1963-64 school year (with provision of technical aid to desegregating school districts and court enforcement of duties set forth in the Act); authorize the Attorney General to initiate civil injunction suits in the federal courts to prevent the denial of any civil rights on the grounds of race, color or creed; establish a fair employment practices commission; and make the Civil Rights Commission a permanent agency with strengthened fact-finding powers.

"While the Congress is an independent branch of government, it does not legislate in a vacuum. The attitude of the Administration, and the vigor with which that attitude is expressed, influences the course of legislative action. Therefore we are disappointed and dismayed by the announced Administration decision not to support civil rights legislation 'at this time.'

"What better time is there? We have just passed the seventh anniversary of the historic Supreme Court decision on school desegregation, and still only 6% of the South's 3,000,000 Negro children attend desegregated schools -- not to mention the de facto school segregation in the North and other sections of the country produced in large part by housing discrimination. We have experienced an economic recession in which unemployment of Negro workers was especially severe. We observe daily in the United Nations and around the world the terrible effect on our foreign relations of continuing racial discrimination and segregation in the United States.

"We do not minimize the difficulties of the Executive Department in this situation, nor the importance of patient, educational efforts such as the excellent work of the Southern Regional Council. The Council's January 1961 report, 'The Federal Executive and Civil Rights,' contains many valuable suggestions, which we endorse in principle and commend to you and the Attorney General for your special attention. We are pleased that several points advanced in that study have already been implemented by the Administration.

"Yet, despite all these good efforts, we find the civil rights drive lagging, primarily because the Congress refuses to accept its responsibility to join the other branches of government in giving finally to millions of American citizens what is their just due, their constitutional rights. We therefore urge that you reconsider the decision not to press civil rights legislation, and with the same determination with which you acted in Alabama, place the full influence of the President's office behind the Clark-Celler proposal."

January 26, 1961

Mr. Alan Reitman
American Civil Liberties Union
156 Fifth Avenue
New York 10, New York

Dear Alan:

Many thanks for your good letter received yesterday. Your favorable comments on "The Federal Executive and Civil Rights" are music to our ears.

We are also grateful for your criticisms and would welcome further comments that may be forthcoming from your Equality Committee.

There are, of course, a lot of debatable points in our report and in the subject matter generally. Some parts of the report represent compromise of difference in our own midst. As you will note, we did not recommend benign quotas -- merely that the President and the housing agencies should follow their experimental use by private builders with careful study. After all, if the FHA exerts any influence at all on the racial aspects of housing it must arrive at some reasonable conclusions about the legitimacy and practical efforts of this device. Speaking personally, I might add that I am strongly opposed to outright government endorsement or official use of benign quotas, because I feel this is a sacrifice of principle that the government simply should not make.

Conditions governing Federal contracts are a somewhat different case. Here there is no "right," constitutional or otherwise, to do business with the government. For the government to elect to choose its contractors on the condition, among others, that they make positive efforts to recruit minority group employees does not seem to us to raise constitutional questions -- though it could be questioned on other grounds.

But, like you, my mind is open on these and other points of possible disagreement, and I think it is useful for us to carry on some dialogues about them. Presumably many of us will be dealing with the Executive Branch on these questions for some time to come.

I am enclosing three (3) extra copies of the report, which, by the way, we are releasing to the press for Monday morning, January 30.

My very best regards.

Sincerely,

Harold C. Fleming
Executive Director

HCF/mf
Enclosures - 3.

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January 23, 1961

Mr. Harold C. Fleming, Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N.W.
Atlanta 3, Georgia

Dear Harold:

Pat Malin is away from the office for several weeks on a much-needed rest, so I am replying to your January 16 letter concerning the SRC report on "The Federal Executive and Civil Rights." It is a terrific document which I read from cover to cover. Our congratulations to all those responsible for its preparation.

There are many sound suggestions whose adoption would certainly advance equal treatment in the country. The only personal caveats I have are in the area of "forced government action", i.e., the benign housing quotas and the requirement that employers holding federal contracts must employ Negroes. I am open to conversion on these points, but it seems to me that such action goes past the constitutional argument re: equal treatment.

Would it be possible to obtain two or three extra copies of the document? I would like to obtain the opinions of Judge Waring and Lisle Carter, chairman of our Equality Committee. After they have read the report and we have discussed it further in the office perhaps we could offer some additional comment.

Our best wishes.

Cordially yours,

Alan

Alan Reitman
Associate Director

March 21, 1962

TO: Board of Directors

FROM: Alan Reitman

RE: Report on Ultra-Right Organizations

In the past year the office has responded to requests from affiliates, members, the press, national organizations and the general public for information on the activities of ultra-right groups, their impact on civil liberties, and measures which might be taken to combat their dangers.

We have replied that in addition to reviving McCarthyism within some local communities (especially in the far West and Southwest), which creates an atmosphere hostile to the exercise of civil liberties, these groups have made specific attacks on teachers, textbooks, libraries, public officials and the judiciary. We have also expressed our concern that, unless counter-measures were taken, we might experience a full return to the McCarthyism of the 1950's when loose charges exerted heavy pressure on civil liberties by making teachers less courageous in handling controversial issues, librarians less willing to stock politically unpopular books and public officials eager to ferret out "subversives" through investigations which attacked the right of freedom of speech and association.

Several national organizations, such as the Foreign Policy Association, the National Council of Churches and the National Education Association, have been assailed by ultra-right groups, and the Union itself is a prime target. We have seen statements by Robert Welch of the John Birch Society, Dr. Fred Schwartz of the Christian Anti-Communism Crusade, the Rev. Billy James Hargis of the Christian Crusade and Hurst A. Amyx, a daily radio broadcaster in a number of cities under the title "Know Your Enemy," attacking the Union for its support of Communism or its alleged failure to follow a single-standard defense of civil liberties.

Several of our affiliates have directly locked horns with ultra-right groups; the use of a Houston public school for a public meeting sponsored by our Greater Houston Chapter was denied after ultra-right pressure was exerted; two Board members of the Arizona Civil Liberties Union lost their teaching jobs because of the ACLU activity re: House Un-American Activities Committee; the Florida Civil Liberties Union came under heavy attack by right-wing Protestant ministers in Miami when one of its Board members ran for the Board of Education. Other affiliates have suffered similar attacks. Our press clipping service shows a rise in letters to editors scoring the "pro-Communist sympathies" of the Union. Happily, -- chiefly through provision by the national office of myriad defense materials -- there has been increased local defense of the Union in reply letters to the editor. This is evidence of a growing general consciousness of civil liberties and their importance (perhaps a lesson learned from the McCarthy period), a determination to fight assaults on the First Amendment and growing professionalization and know-how of our staffs and volunteer workers -- national and local.

The similarity between today's ultra-right phenomenon and the McCarthy period has been reported in numerous newspapers and magazine articles. However, one striking difference -- which illustrates one difficulty in dealing with the current revival -- is the high degree of organization attending the activity of today's rightist groups. There is no single person who symbolizes the "crusade," no McCarthy or Huey Long; rather there are many "crusades" which are well publicized in advance of their arrival in local communities and bring within their folds some of the major segments of the community. Municipal officials, the clergy, the press -- and especially the schools -- are asked and frequently agree to endorse the "crusade." When Dr. Schwartz went to Phoenix, Arizona in 1960, the Acting Superintendent of the Phoenix College and High School District arranged facilities for a great rally and urged faculty members, students and their parents to attend.

There is also, frequently, a degree of sophistication which marks this period as different from the McCarthy period. Dr. Schwartz, for example, takes pains in his speeches to warn against "guilt by association;" the Rev. Hargis disavows any anti-racial overtones to his movement. Yet the emotional setting created by the mass meetings of the former leaves the local community ripe for attack on "subversives" after Dr. Schwartz's school departs, and advocates of racism have been featured at Hargis' meetings.

In dealing with this problem, the Union has been confronted with the usual dilemma: the need to defend the civil liberties of groups which by their activities do fundamental injury to constitutional freedoms. We have, of course, publicly reiterated our traditional position (through such actions as our March 31, 1961 letter to the House Un-American Activities Committee opposing its announced preliminary investigation of the John Birch Society) and coupled this opposition to governmental investigation of any group's political opinion with acknowledgment that the activities of the extreme right can limit civil liberties, and explanation that it is the responsibility of individuals and non-governmental organizations to utilize their own free speech to combat this danger. (The opinion voiced by the Santa Barbara News Press, the first newspaper to expose the John Birch Society, is an example of such effective non-governmental action.)

This position was amplified in a memorandum to our affiliates on December 8, 1961 in which these guide lines were set down:

"1. The right of all groups to express their opinions must be defended regardless of the point of view they express.

"2. The ACLU does not comment on any part of the content of these groups' (the ultra-right) programs which does not directly concern civil liberties, whether it be repeal of the income tax, the social security program, or removal of the UN from New York City.

"3. However, when these groups espouse positions adversely affecting civil liberties, for example, efforts to remove a teacher for her "liberal" views, or attacks on librarians for refusing to take "Communist" books off library shelves, we should vigorously present our position (while defending their right to speak). We should also emphasize the point... that the loose accusations of these groups can create an atmosphere of caution in which dissident views will not be expressed."

We also noted in the memorandum that because the national office lacked the financial resources to conduct a major educational drive of our own, we had stimulated and were working closely with other national organizations that were concerned with the threat to the democratic process from the ultra-right. The Union helped plan and participated in late January in a week end conference attended by over 100 persons from 20 communities. This unpublicized Greenwich, (Connecticut) "Conference on Preserving the Democratic Process" included persons representative of organized labor, international relations, civil liberties, inter-group relations, public schools, universities, non-partisan political groups (for example, the Fair Campaign Practice Committee), government agencies, publications, and all major religious faiths.

The Conference heard appraisals of the ultra-right in the context of (a) the cold war, (b) its particular characteristics, and (c) specific case histories depicting assaults on schools, labor, welfare organizations, foreign policy groups, and religion. After plenary discussion, the Conference broke into small discussion groups from which the following points emerged:

1. There is a lack of precision in discussing the ultra-right organizations. For example, there is a real difference between the approach and program of The National Review and Hargis' Christian Crusade.

2. So far there has been almost complete isolation on the local level among organizations concerned with preserving the democratic process. Isolation includes the separation of local groups from one another, from their own national organizations, and national organizations among themselves. (Happily, this is not true within the ACLU, as communication on this problem has been frequent and rapid.) One of the results is the relative lack of local activity in support of the democratic process.

3. There is a lack of sensitivity to the importance of the democratic process. There is a tendency, indeed a desire, to protect the individual group's program content, but not to defend the principles of free speech and fair debate for everyone. This failure was related to the problem of isolation, the fear of standing up alone to say that ultra-right activity impaired constitutional liberties that are of importance to everyone.

4. Community apathy prior to local ultra-right activity and harm is especially conspicuous; preventive measures are necessary.

5. In communities where at least one medium of mass communication expresses concern about the democratic process there is a better chance to offset the ill effects of the ultra-right.

6. There is need for full information about ultra-right groups.

To sum up, increased leadership from national organizations is needed; hopefully, local branches would respond through improved communication and activity -- and in advance of attacks by the ultra-right.

These points led to the adoption of the following recommendations:

1. A national clearing house should be established for the purpose of assembling, analyzing and distributing information about ultra-right activities.

The clearing house would be responsible for:

a. Screening and identification of materials, and channeling them to local groups either directly or through the national organizations;
b. A fact-finding operation designed not only to keep abreast of developments, but also to anticipate them whenever possible so that affected areas might be alerted and appropriate action taken;
c. Publication of periodic newsletters to include analyses of various groups, to convey techniques which might be used locally, and to report on success stories.

2. Regional meetings paralleling the Greenwich Conference should be held.

The national groups would cooperate in setting up such meetings, either off-the-record or publicized, on an ad hoc basis. Maximum use would be made of the resources of each group. An understanding would be reached among them as to the degree to which they are prepared to sacrifice and subordinate their day-to-day programs to the basic issue at hand. Also, the degree to which they are prepared to meet the larger problem, namely, the threat to the democratic process, rather than to be fragmented into dealing with specific issues.

3. Task forces should be established to visit communities under attack and to provide guidance and help.

The individuals involved would be provided by each participating national organization which would pay their full salary and expenses. There would be a determination of priorities to select those geographic areas requiring concentration of resources. This would require continuing review and analysis of developments to determine where resources may be most needed and effectively used at any given time. The task teams would train local leaders.

4. A meeting similar to the Greenwich Conference should be planned for the lay leaders of national organizations.

5. An educational program for the mass media should be developed including the preparation of a national television program and the production of audio-visual material. Also, a national prestige rally of leading American figures, -- Warren, Eisenhower, Kennedy, et al, should be arranged.

The implementation of the above recommendations will be the responsibility of the ad hoc steering committee, on which the ACLU is represented, which is

to continue functioning as the Continuation Committee. In the meantime, until resources can be provided, it was agreed that:

1. Local or regional conferences of concerned groups and individuals should be set up immediately.

2. Information should be directed from local groups to their national organizations to be channeled to a central source.

3. Counter measures should not await the completion of the plans outlined, but should be initiated without delay in each affected community as best they can, with whatever guidance and resources national groups can now provide. (Our local affiliates have been deeply involved in such counter-measures. The ACLU of Washington state successfully protested against indoctrination-in-Communism courses in public schools; the St. Louis Civil Liberties Committee recently reproduced sections of speeches made at Dr. Schwartz's School of Anti-Communism for presentation to the local school superintendent as an indication of the indoctrination materials being pressed in the schools [full recognition was given to the right for all points of view to be expressed]; and the ACLU of Illinois made strong protest against military participation in partisan "education for security" seminars on U. S. Navy property.)

Comment on Greenwich Conference Recommendations

1. From the outset of the planning committee's work, the ACLU's primary role was to keep the group's attention focussed on the ultra-right's threat to civil liberties -- the democratic process -- rather than the content of the ultra-right programs. Although there was some mixing of the two points at the Conference, we will continue our effort to delineate our civil liberties concern. This is particularly true with respect to the clearing house of information about ultra-right groups. It is impossible that in such a broad information-gathering operation, information will not be presented about what is being said at ultra-right meetings -- the content of their speeches -- and indeed organizations -- other than the ACLU -- have every right to discuss the merits of ultra-right programs. But every effort must be made to:

a) Keep such discussion from degenerating into charges of "guilt by association," smears and intimidating activities (for example, a listing of ultra-right groups without making clear the dangers of using it as a private "Attorney General's list.")

and

b) Include detailed information on how the ultra-right attacks the democratic process (economic coercion, middle-of-the-night telephone calls, kinds of pressures on school boards and libraries) and what can be done to combat such attacks. This effort has special meaning for our affiliates, and we should encourage them to forward information on this aspect of the ultra-right activity.

2. A regional meeting has been held in Boston, and others are now being planned for Los Angeles, San Francisco and Seattle; we have urged our affiliates in those communities to cooperate in such endeavors. The Illinois Division has sparked organization of a "Communications Group" of interested organizations and individuals in the Chicago area who are concentrating on information-gathering and various educational activities (speakers, a list of suggested written materials and films, etc.) All this activity should help to break down the sense of isolation at the local level and enable strong opposition to be organized. A kit of materials is being developed by the Greenwich Conference Continuations Committee for use by all participating groups. In addition to the kit, plans are under way for production of a popular pamphlet which would contain suggestions for action.

3. The idea of a task force composed of representatives of different organizations available for training local leaders to oppose attacks on the democratic process by the ultra-right is a creative approach which, if fully implemented, could produce good results. Presumably such forces would not be needed in major metropolitan areas where existing organizations are strong and experienced in techniques, but would be needed in smaller communities where organization is not as great nor effective. There are unanswered questions such as how much time would be taken from normal national staff operations and the expense involved. Because of the small national staff of the ACLU these are serious problems; perhaps the cooperation of affiliates close to affected areas can be enlisted, or the assistance of ACLU members who are particularly skilled in a particular technique.

4. As the Conference discussion groups agreed, preventive action is needed so that there will be more community understanding of the dangers before attacks occur. Apart from continuing general education on civil liberties, in which our affiliates more and more are engaging, the suggestion has been made that the Union should sponsor full-page advertisements and/or special communications to groups likely to be attacked. Apart from the expense of such advertisements, which is quite high, the question arises again of the Union's commenting on the specific content of the ultra-right programs. Certainly a general advertisement could be written extolling the virtues of the democratic process. But most of the ultra-right attacks are quite specific and would place the Union in the position of evaluating all kinds of government policies and non-governmental organizations. For example, is it the Union's business to defend the United States NATO policies with countries Dr. Schwartz alleges are Communistic? Is it the Union's business to answer specific charges of Communist-sympathy against the National Council of Churches, or rather to urge the National Council of Churches to do so? I suggest it is not, and that our job is to work to keep the communication channels open for all groups to make their answer.

Certainly we should make every effort through our ACLU channels of communication to enlarge community understanding of civil liberties so as to reduce the effectiveness of ultra-right attacks, but this is part of our regular educational work and does not require a special project.

5. The role of the mass media naturally is of great importance. It was suggested at the Greenwich Conference that committees made up of local organizational representatives should visit editors and radio-TV stations in advance of ultra-right "crusades" to point up their danger to the democratic process. This is a good idea provided again that it is made clear that no effort is being made to hinder the right of an ultra-right group from presenting its opinions, or the right of the press to report the news as it sees fit. However, effort should be made to convince newspapers and radio-TV stations to editorialize on the ultra-right visit in the context of our civil liberties concern.

Another aspect of the problem is the growing use of radio-TV to air ultra-right commentators and the widely-publicized "anti-Communist schools," such as the recent three-hour Hollywood Bowl telecast of Dr. Schwartz's Anti-Communism School. Here, too, as the Union has always held, our job is not to insist that a particular commentator or program be kept on the air, but to encourage the widest diversity of opinion on controversial issues -- which is the station's obligation under the FCC law. The attached memorandum from Dorothy Dunbar Bromley explains our operational position in full.

Recommendation

The Board should endorse the Greenwich Conference recommendations, as qualified by the Comments in 1-5 above, within the ability of the national budget and staff resources.

Rec'd 4/16/62 copy to MAW 4/17

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Prof. J. Frank Dobie (Texas)
Lloyd K. Garrison (N.Y.)
Dr. Frank P. Graham(U.N.)
Palmer Hoyt (Colo.)
Dr. Karl Menninger (Kans.)
Loren Miller (Calif.)
Morris Rubin (Wisc.)
Lillian E. Smith (Ga.)

Mrs. Sadie Alexander (Penna.)
J. Garner Anthony (Hawaii)
Thurman Arnold (D.C.)
Clarence E. Ayres (Tex.)
Roger N. Baldwin (N.Y.)
Alan Barth (D.C.)
Dr. Sarah Gibson Blanding (N.Y.)
Catherine Drinker Bowen (Penna.)
Prof. Julian P. Boyd (N.J.)
Van Wyck Brooks (Conn.)
John Mason Brown (N.Y.)
Prof. James R. Caldwell (Calif.)
Dr. Robert K. Carr (Ohio)
Prof. Allan Knight Chalmers (Mass.)
Stuart Chase (Conn.)
Grenville Clark (N.H.)
Dr. Rufus E. Clement (Ga.)
Prof. Henry Steele Commager (Mass.)
Prof. George S. Counts (Pa.)
Prof. Robert E. Cushman (D.C.)
Melvyn Douglas (N.Y.)
Prof. Thomas H. Eliot (Mo.)
Victor Fischer (Alaska)
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James Lawrence Fly (Fla.)
Prof. Ralph F. Fuchs (Ind.)
Prof. Willard E. Goslin (Tenn.)
Prof. Mark DeW. Howe (Mass.)
Quincy Howe (N.Y.)
Dr. Robert M. Hutchins (Calif.)
Gerald W. Johnson (Md.)
Dr. Mordecai W. Johnson (D.C.)
James Kerney, Jr. (N.J.)
Benjamin H. Kizer (Wash.)
Mrs. Agnes Brown Leach (N.Y.)
Max Lerner (N.Y.)
Prof. Robert S. Lynd (N.Y.)
Patrick Murphy Malin (Turkey)
Prof. Robert Mathews (Ohio)
Prof. Wesley H. Maurer (Mich.)
Emil Mazey (Mich.)
Dr. Millicent C. McIntosh (N.Y.)
Dr. Alexander Meiklejohn (Calif.)
Sylvan Meyer (Ga.)
Donald R. Murphy (Iowa)
Dr. J. Robert Oppenheimer (N.J.)
John B. Orr. Jr. (Fla.)
Bishop G. Bromley Oxnam (N.Y.)
James G. Patton (Colo.)
A. Philip Randloph (N.Y.)
Elmo Roper (N.Y.)
Prof. Arthur Schlesinger, Jr. (D.C.)
Dr. Edward J. Sparling (Ill.)
Prof. George R. Stewart (Calif.)
Mrs. Dorothy Tilly (Ga.)
Jose Trias-Monge (Puerto Rico)
Stanley Weigel (Calif.)
William L. White (Kans.)
Thornton Wilder (Conn.)
Aubrey Williams (Ala.)
Marion A. Wright (N.C.)
Dean Benjamin Youngdahl (Mo.)

American Civil Liberties Union

Founded 1920
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Leanne Golden, *Executive Assistant*

April 13, 1962

Mr. Leslie W. Dunbar, Executive Director
Southern Regional Council, Inc.
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Mr. Dunbar:

Thank you so much for your letter of good wishes which I was so grateful to receive.

I was nothing less than thrilled by the speech by Marion Wright to the annual meeting of KCLU, reprinted in the February issue of New South. Thank you for calling it to my attention.

With all good wishes to you.

Very sincerely yours,

John de J. Pemberton, Jr.

John de J. Pemberton, Jr.
Executive Director

April 10, 1962

Mr. John DeJ. Pemberton, Jr.
Executive Director
American Civil Liberties Union
156 Fifth Avenue
New York, New York

Dear Mr. Pemberton:

I want to extend to you my personal good wishes and those of the Southern Regional Council as you undertake your strenuous and most important new position.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj
Enclosure - 1.

P. S. -- You may be interested in having the enclosed copy of New South which includes an address made at the annual meeting of the Kentucky Civil Liberties Union.

LWD

WB
file

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

MINUTES
DUE PROCESS COMMITTEE MEETING
THURSDAY, DECEMBER 10, 1959 - 4:30 P.M.
UNION'S OFFICES, 170 FIFTH Avenue, N.Y.C.

Present: Frank, presiding; Judge Kenyon, Paulsen and McKay.

Guests: Messrs. Gellhorn, Minkin.

Staff: Reitman, Watts and Wulf.

1. Native American Church v. Navajo Tribal Council. The Committee agreed that this case was properly within the jurisdiction of the Indian Civil Rights Committee, not the Due Process Committee.

2. Larche v. Hannah (Civil Rights Commission). Mr. Watts explained to the Committee that the issue before it for determination was whether the ACLU should or should not support the position of the Civil Rights Commission that it may subpoena witnesses on the basis of information supplied in sworn statements without informing the witnesses of the nature of the complaints against them, and without allowing the witnesses to confront and cross-examine the complainants. Mr. Watts supplemented the information provided in his memorandum of December 7, 1959, previously circulated to the Committee, by informing the Committee that the Supreme Court has agreed to hear this case on January 18,1960.

Judge Waring, being unavoidably absent from the meeting, asked Mr. Watts to inform the Committee that it was his view that the Government's right to be informed about the overriding issue of equal voting rights and the enforcement of federal law in this field outweighed in this case the right of witnesses to be confronted with their complainants.

Mr. Watts reported on a conference with Dean Johnson of the Civil Rights Commission who, recognizing the possibility that ACLU might appear in opposition to the constitutionality of these aspects of the Civil Rights Commission's current procedures, urges that we suggest a meaningful alternative suggestion that will allow the Commission to continue to function. Mr. Watts suggested in this respect that the Commission's second enumerated statutory duty ["study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;" §104(a)(2)] would allow the Commission to subpoena public officials without having received complaints against them if it was believed that useful and relevant information could be obtained from them.

With respect to #4 on p.2 of the December 7th memorandum, which stated that the Department of Justice officials had argued that the ACLU had not advanced hitherto the position that confrontation and cross-examination were necessary in Congressional hearings, it was pointed out that in 1954 we "heartily" supported S.Res. 256 (Kefauver et al) which was introduced to establish fair procedures in Congressional hearings. It provided, among other things, that persons adversely affected by testimony in a public hearing be entitled to recall the adverse witness for cross-examination and to introduce witnesses and documents in his own behalf.

During discussion, the following views <u>in favor of the Commission's present practices</u> were expressed:

The Commission, which by statute is in the executive branch of the government, fulfills an investigative, not an adjudicatory function. Consequently, it is no different than any other executive agency, pursuing its investigative function. For example, the FCC or the FTC will call in or visit persons or firms that it has reason to believe may be violating the law. There is certainly no burden on the investigators, at this stage, to advise the person or firm under investigation of the source of its information, no less allow cross-examination of the sources. If an adjudicatory proceeding is instituted, the accused party will at that time be entitled to his due process protections including confrontations, cross-examination, and a fair hearing in general.

Likewise, there is no parallel between the Civil Rights Commission's hearing and loyalty-security proceedings. The latter are adjudicatory, not investigative, and confrontation and cross-examination should be mandatory.

On the other hand, there is a resemblance between the Civil Rights Commission's hearings and grand jury proceedings. There, witnesses are not permitted to confront or cross-examine informants, but if an indictment is issued, the accused is allowed, at trial, to exercise these rights. The resemblance is pointed up by the terms of the statute creating the Commission which state that "the Commission shall investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion or national origin."

The Commission hearings are in the nature of executive investigations. If evidence of a crime is disclosed against a witness, he will be entitled to his hearing in court, if he is prosecuted.

The Commission's hearings are not comparable to the hearing before the Un-American Activities Committee or the Internal Security Sub-Committee. In those cases our objections were that the hearings, although purportedly investigative were, in fact, conducted solely to expose the witnesses to public obloquy, and were therefore, in fact, adjudicatory.

The purposes, then, of a hearing are germane to a determination of the proper procedures to be followed for the sake of the witnesses.

It was also stated that the Goldfine or Hoffa hearings had not been the subject of ACLU criticism and that justification for our silence could be found only in the belief that the purpose of the hearings justified the manner in which they were conducted, or that the manner in which they were conducted were qualitatively different from hearings held before the Un-American Activities Committee - i.e., although given much publicity, they did not purport to adjudicate but were actually investigative.

The purposes of the Civil Rights Commission's hearings are most desirable in all respects. If its present procedures were to be disallowed, the Commission's work would come to a complete stop. Weighing the two alternatives, the agency's purpose justifies the procedures followed.

The following views <u>in opposition to the Commission's present practices</u> were expressed:

The salient fact to be borne in mind with respect to the Commission's hearings is that it is an official inquiry under compulsory process being conducted in a <u>public</u> forum, and that the testimony adduced may very well bear upon the commission of a crime. The efforts, therefore, to distinguish these hearings by comparing and contrasting them to other kinds of investigations carried on by the Executive branch, miss this crucial element.

Likewise, to assert that these hearings are proceedings in the Executive branch of the government (as they are by statute) overlooks the fact that they very much partake of the nature of legislative hearings - not only because they look and sound very much like legislative hearings, but also because the statute expressly invests the Commission with attributes of legislative investigations, namely, §104(b), which commands the Commission to report not only to the President, but to the Congress as well.

If these hearings in fact resembled grand jury proceedings, or preliminary investigations of an administrative body, there would probably be no dispute. But the resemblance is weak. Unless a grand jury issues an indictment, its proceedings remain secret (unless a presentment issues, but the NYCLU opposes presentments). If an indictment does issue, the accused will have his day in court.

An investigation by an administrative agency such as the FCC that does not come to the hearing stage, presumably remains in the agency's files and is not made public. If a hearing is held, the person or firm again has his day in court. Whatever public obloquy flows from a trial or full-fledged administrative hearing, is the unavoidable result of the administration of justice.

But the Civil Rights Commission's hearings and their consequences, are substantially different. First, the hearings with which we are concerned are public hearings. The testimony elicited may incriminate or degrade a witness. If so, public obloquy without trial may follow. The Commission, of course, could have turned the incriminating evidence over to the Department of Justice in the first instance. If Justice then sought an indictment, the regular consequence of an indictment or no-bill would follow. But by holding public hearings, the Commission runs the risk of exposing a defenseless witness to public scorn and yet reserves the right to turn incriminating evidence over to the Department of Justice. If grand jury proceedings are then initiated, its secretness has already been violated in the Commission's hearings at the witness' expense. If an indictment issues, the accused here will have a day in court. If no indictment issues, or if the Commission doesn't turn its information over to Justice in the first place, the witness is forever foreclosed from his day in court.

[It is to be noted that the ACLU did speak out concerning the Senate investigation of Dave Beck. We said that the investigation had been marked by lapses of fair procedures violative of due process. We expressed approval of the Committee's objectives, but said that its procedures may lessen its contribution in the important field of internal union democracy.]

A motion to support the respondents in Hannah v. Larche and in Hannah v. Slawson (i.e., to oppose the present procedures of the Commission) was defeated. It was agreed that if the Board affirms the Committee's action, that a thorough statement explaining our position be prepared by the chairman and the staff.

AMERICAN CIVIL LIBERTIES UNION

156 FIFTH AVENUE

NEW YORK, NEW YORK 10010

October 15, 1964

To: Board of Directors

From: Alan Reitman

Re: Recommendation of the staff on Overstreet, The Strange Tactics of Extremism

The Union has been asked by the National Council of Churches whether we would purchase and distribute the paper-back edition of "The Strange Tactics of Extremism" by Bonaro and Harry Overstreet. The book previously mailed to the Board in hard-cover edition, analyzes the program of the John Birch Society and several other ultra-right organizations. The NCC as well as many other national organizations with whom the Union cooperates in a clearing house group on ultra-right problems (see page 3 of attached March 21, 1962 memorandum) are much concerned about ultra-right groups and particularly the large circulation presently being given to some of their publications, notably two pocket-books, "None Dare Call It Treason," by John Stormer and "A Voice Not an Echo" by Phyliss Schaffly whose combined circulation is estimated at close to 8 million. The NCC hopes that large public distribution of the Overstreets' book will help to offset what it regards as the harm being done to the democratic process by ultra-right groups and their publications.

The Union's traditional practice has been to avoid endorsing or disapproving the contents of any book while we defend its right to circulate. In its 1951 statement on pressure-group censorship the Board said: "In accordance with its long-established policy, the Union will refrain from expressing disapproval of the contents of any book...unless in the opinion of the Board, extraordinary circumstances necessitate such expression." While this policy statement dealt only with expressing disapproval of the contents of a book, it has implications for proposals to approve or endorse the content of a book.

In the view of several staff members who have read the Overstreets' book it contains generally useful information about the program and operations of ultra-right organizations. At the same time it attacks the way in which certain groups conduct their letter-writing and petition campaigns -- which may be taken as attacks on these civil liberties-protected techniques of expression. ACLU purchase and distribution of the book may well be regarded as an attack on the ultra-right itself -- as joining by ACLU in efforts to "expose" them.

The book issue symbolizes a dilemma which the office has faced since 1961 when the ultra-right phenomena came to be viewed as a direct threat to civil liberties. As the March, 1962 memorandum points up, the Union must both defend the civil liberties of ultra-right groups while also attacking their specific acts which infringe civil liberties. (See pages 2 and 5 of the memo). In recent

months a great part of our activity in the Conference on Preserving the Democratic Process has been devoted to reminding other national organizations that while the end product of the ultra-right may seriously harm the democratic process, we can't adopt their tactics in opposing them. Many of the groups, under the heading of "exposure," are not reluctant to use the associational technique, for example, in illustrating the evil of particular groups. This is pronounced during this political campaign, and may become more so as the Conference on the Democratic Process plans to coordinate local affiliates of national agencies in counter-educational campaigns at the local level.

In our staff discussion several approaches to the problem of the Overstreets' book have been suggested.

1. We should not purchase or distribute copies of the Overstreets' book at all. Our function is simply to defend the civil liberties of individuals and groups, not to expose their program.

2. We should purchase copies and list them as available on our regular literature list. This would be a limited way of making the book available, consistent with the fact that many of the reprints on our literature list may contain material not wholly in accord with ACLU policy.

3. We should -- perhaps breaking precedent -- purchase copies and actively promote distribution of the book, by carrying a major book review in Civil Liberties. This review would make clear the precise differences between the Overstreets' civil liberties positions and others, and point out the civil liberties dangers in some of their analysis. However, it would conclude that because accurate information on the program of ultra-right groups is so important, particularly at local levels where ultra-right tactics may negatively affect civil liberties, we believe the Overstreets' book is a valuable resource.

My personal recommendation is that we adopt point 3.

In addition to deciding what specific action we should take on the Overstreets' book, the office would welcome guidance on the broader questions raised herein and the March, 1962 memo concerning the Union's role in generally exposing movements which ultimately threaten civil liberties.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

STATEMENT OF AMERICAN CIVIL LIBERTIES UNION WITH REGARD TO THE REPORT OF THE WARREN COMMISSION

October 15, 1964

On December 6, 1963, the ACLU issued a statement about the Oswald case in which it expressed doubt about the propriety of his interrogation in the absence of counsel and criticized the local law enforcement agencies and the various mass media for the publicity given to the evidence supposed to have been uncovered. The Warren Report's treatment of these two matters has somewhat lessened our doubts about the first of them and plainly sustains our position with regard to the second. In addition the Report raises a question which deeply concerns us: the impact on individual liberty of strengthening security measures.

1. The Report accepts (200) * the testimony of various officials that Oswald had been advised of his right to remain silent and of his right to have a lawyer. This testimony is supported by various reports of Oswald's interrogation prepared by law enforcement agencies and printed in full in Appendix XI.

Thus Capt. Fritz of the Dallas police noted that Oswald had, on November 22nd, expressed a desire to consult John Abt (602) and on the next day had "reminded" the captain that he didn't have to talk until he had seen a lawyer (606). Oswald was then told he could use the jail telephone to call Abt collect and evidently made the attempt (606). Fritz's report, which is not dated, was made from "rough" notes and memory (611).

Three FBI agents made various reports contemporaneously. One, signed by both Hosty and Bookhout and dated November 23rd, stated that when the agents questioned Oswald on the previous day they had told him that anything he said could be used against him (612). Clements, in a report also dated November 23rd, expressly stated that Oswald had been advised on the 22nd that he need make no statement and that he had the right to get a lawyer (614). Bookhout in three separate reports dictated on the 24th stated that Fritz had, on the 22nd, told Oswald that he need make no statement (619, 621, 625). This last report also indicated that Oswald refused to discuss the picture showing him with a pistol and gun without the advice of counsel (625). And Inspector Kelley of the Secret Service noted in an undated report that Oswald had, on the 23rd, refused to answer questions about the pistol or gun until he had talked to a lawyer (629, but see 622). In another report dated the 29th Kelley stated that Oswald had, on the 24th, refused to talk further without a lawyer (630). Postal Inspector Holmes in a report dated December 17th stated that on November 24th Oswald was alert and was skillful in parrying questions he didn't want to answer.

Otherwise the Report adds nothing to what had previously been known about Oswald's attempts to reach Abt and his statement to the president of the Dallas Bar Association on the 23rd that if he couldn't get Abt he would like a lawyer from the ACLU (201).

On the basis of the foregoing, we do not feel that the authorities are subject to criticism for having questioned Oswald in the absence of any lawyer as the law does not yet prohibit this. It appears that Oswald understood his rights (see 606,

* The references are to the Government Printing Office edition of the Report.

609, 627) and had been willing to talk freely except on the subject of the two weapons. Moreover, he made no admissions of guilt (see 609, 613, 633). Since he had indicated a desire for a lawyer of his own choosing, the local bar appears to have fulfilled its responsibility when it offered assistance.

2. In dealing with the publicity given out by the law enforcement agencies the Report (231-242) stresses both that misinformation was widely disseminated because reports were issued without adequate scrutiny (231, 235, 237) and that Oswald's right to a fair trial was seriously impaired (238). The Report places the responsibility on the enforcement officers and the news media. Chief Curry was the main offender (231, 233). And District Attorney Wade is also criticized for having disclosed evidence despite his original recognition that it would be improper for him to do so (235, 236). The news media participated in this and so spread much misinformation (240) and impaired Oswald's right to a fair trial. "The court room, not the newspaper or television screen, is the appropriate forum in our system for the trial of a man accused of crime" (240). And the Report places part of the responsibility on the media for the confusion which impaired the security of Oswald's transfer from police headquarters and so made possible Ruby's shooting (240-242).

The Commission was unable to make any specific recommendations for lessening these evils beyond saying (27) that the bar, enforcement agencies, and news media should cooperate to establish ethical standards which, while safeguarding the public's right to information, will not sacrifice an accused's right to a fair trial. The ACLU, also, is not at this time prepared to make any comprehensive proposal. But we do believe that police and prosecutors should be prohibited from making any statement about the evidence adduced during their investigations, whether from the accused or from others.

3. The Report deals at great length with the necessity for improving security measures (426-469). Most of its recommendations relate to cooperation between the various agencies involved, which is, of course, highly desirable. But the Report also stresses the need for broadening the category of persons who might be dealt with as "dangerous" (26, 461, 462). While it does not specifically propose any new method for dealing with them it stresses the importance of not creating "even the suggestion of a garrison state" (427) and expresses the hope that its recommendations be accomplished "without any impairment of our fundamental liberties" (469).

The Report does not refer to Mr. Hoover's statement in his testimony (as reported in the press on October 1, 1964) that anything like house arrest of such persons would be contrary to our traditions, but does quote him as saying that the new criteria proposed "might, if not properly handled, result in some degree of interference with the personal liberty of those involved" (462). We fully support Mr. Hoover's position against house arrest or other detention of suspects.

We believe that explicit instructions should be given to all agencies concerned with the safety of the President that there be no harassment of suspicious characters, no leaks about them to unauthorized persons. It would be very unfortunate if the demand for increased security should result in the FBI becoming involved or in local police obtaining too much power. And it is essential, therefore, that this function be restricted to security agencies whose employees have all been thoroughly trained in the necessity for the preservation of individual liberty. Only in this way can the dangers adverted to by Mr. Hoover and the Commission be minimized.

O.K.F.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

October 15, 1964

TO: Board of Directors

FROM: Jack Pemberton

RE: Procedure in acting on Church-State Committee recommendations submitted to affiliates for advice.

Last June the Church-State Committee, culminating two years of study, submitted three issues, on which its own votes had been sharply divided, to the affiliate boards for advice:

1. Tax exemption for churches;
2. Public aid to church-related colleges and universities; and
3. Shared time.

Responses were requested on or before October 13th to permit submission to the board at its October 26th meeting (and such additional meetings as might be required for disposition of the issues).

As of October 13th responses had been received from only 8 affiliates, several of them addressed to only one or two of the three issues. Several other affiliates earnestly requested additional time within which to study and debate one or more of the issues further. Having participated in the Church-State Committee's own prolonged deliberations of them I find it impossible not to be wholly sympathetic with these requests. The issues warrant such additional effort.

No external circumstances compel action within the time contemplated by the original deadlines, though the public attention being given especially to the two issues affecting church-related schools underscores the operational importance of our resolving them as soon as is consistent with thorough consideration.

I recommend that the board defer consideration of all three issues and provide specially for additional consideration to be given the shared time issue. A wide variety of shared time proposals may be expected to be considered by local boards of education throughout the nation in the foreseeable future. Of the three shared time is the one on which thorough participation in the Union's decision-making, on the part of state and local ACLU leaders and members, may thereafter bring the greatest benefit to our operations.

I propose, therefore, that the shared time issue be referred again to affiliates with the additional request that they submit it, if they so choose, to their membership for discussion and advice under the terms of the 1964 Biennial Conference recommendation that:

> 6. The national Board shall inform the affiliates of important issues which it has under consideration but which do not require immediate action; that the affiliates may, in their discretion, call membership meetings to debate such issues; and that they shall transmit to the national Board a summary of the views there expressed.

I further suggest that this issue be one of those scheduled for determination at the first "plenary meeting" of the national board held under the 1964 Biennial Conference recommendation for affiliate representation on the board (now being implemented by the Constitution Committee). I believe that meeting could be scheduled for a date in the second half of March 1965, in which event resolutions adopted by membership meetings and advice submitted by affiliate boards (which should be solicited whether or not membership action is taken) would be timely if received by March 1.

I propose, if the board determines upon that procedure for disposing of the shared time issue, that the remaining two issues also be referred again for the advice of affiliate boards in the normal manner, with a deadline of February 1, 1965, set for receipt by the office of responses which will then be brought before the board at its next succeeding regular meeting.

C
O
P
Y

ROBINSON AND ROBINSON
Suite 804
Five East Long Street
Columbus 15, Ohio

November 12, 1962

American Civil Liberties Union
Fifth Avenue
New York 10, New York

Dear Sirs:

Here in Columbus, Ohio, which for civil liberties issues might as well be Columbus, Mississippi, in many ways, we just hit a new legal problem. I hope you can be some help to us in sharing with us any research your office may have done regarding this problem or a similar problem.

The problem is as follows:

About a week ago some funds were collected by four organizations. The North Columbus Friends Meeting (our local Quaker Meeting, which is relatively conservative and enjoys a good reputation in the community), the Women's International League for Peace and Freedom, the Fellowship of Reconciliation, and the local student Peace Union (which has been active in picketting and public protests against the Cuban situation, bomb testing, etc.) these funds to be used to pay for an advertisement in the local Columbus Dispatch. The Columbus Dispatch has a tremendous circulation in this city, and it also controls the Citizen-Journal, the only other paper of any substantial circulation in the City of Columbus.

The advertisement (I can furnish you a photostatic copy of this if you feel this is necessary) made some quote from Krushchev in his letter which started relieving the Cuban crisis, this quote being to the effect that we must all strive for peace, made some quote from Kennedy, this being in his answering letter to Khrushchev, and this quote being to the effect that we must all work for world peace, went on to state that we had all stood on the brink of nuclear holocaust and backed away from it, then concluded by urging that we make earlier use of the United Nations and that we not come into the United Nations with decisions irrevocably made and minds closed to the issues involved. The ad then stated that if the reader agreed with the principles therein stated, it would be appreciated if he would send a donation of $1.00 or more to an address designated in the ad. The address was a street address of a member of our Friends Meeting.

The ad was refused by the Dispatch and the Citizen-Journal and these papers refused to give any reason why they refused the ads.

What can we do about this legally?

As I look at this case, it would require a tremendous amount of initial legal research to come to a conclusion concerning legal rights. Possibly someone in your office has done this legal research. The preliminary research I did over about an hour and a half period was discouraging. Most of the talk was, of course, about freedom of the press, and the discussion of freedom from restraint from the outside, without any discussion of the question of restraint of outsiders by the press. If the press is looked on as an entirely private enterprise, despite the fact that in Columbus,Ohio, the newspaper field is a monopoly, then it could refuse an ad for any reason or no reason. If the paper is vested with a public interest, then it should be permitted to refuse only ads which are libelous, lewd, etc.

We don't want to be gagged here in Columbus by the throw-back reactionary newspapers we have. Little as we like to give our money to them, we do want to be granted the right to purchase paid advertising space in the paper from time to time.

I am inclined, if we can find any legal basis for it, to bring a mandamus action against the papers directly in the Supreme Court of Ohio, and, after probably being defeated there, appeal directly to the Supreme Court of the United States. I believe that if we could find any legal precedent, the Supreme Court of the United States would be interested in passing on a case like this.

Any work I do on this case will be without compensation. Will you please give me the benefit of any research you have done or could do on this matter? I'd like to hear something, if at all possible, in about a week.

Sincerely yours,

/s/ Stanley U. Robinson, Jr.

Stanley U. Robinson, Jr.

November 15, 1962

Stanley U. Robinson, Jr., Esq.
Robinson and Robinson
Suite 804, 5 East Long Street
Columbus 15, Ohio

Dear Mr. Robinson:

This will reply to your letter of November 12, 1962 in which you raise the problem that is presented by the refusal of the "Columbus Dispatch" to print an advertisement concerning the Cuban crisis that was drafted by the Friends, the WILFPF, the FOR, and the SPU.

First, it is the position of the ACLU that a newspaper is entitled to accept or reject any advertising matter as it pleases. Second, I know of no statute or case that requires that a newspaper accept advertising matter regardless of its content. The only kind of related regulations that come to mind are state anti-discrimination statutes, such as in New York, which forbid places of public accommodation from advertising that they exclude racial and religious groups.

Although ACLU policy holds that newspapers are free to reject whatever advertising they choose to, this does not mean that we do not realize the serious limitations that this imposes in cases such as the one that your letter relates. If a newspaper is truly to serve its proper purpose, it ought not carry over its editorial policies from its editorial page to its news columns or advertising policies. But this is a problem of the conscience of the publisher. It is our feeling that to impose an affirmative duty upon newspapers to accept all advertising matter is a threat to the freedom of the press, on the theory that such a step would tend to break down the insulation that stands between the press and the government. It is paradoxical perhaps that in the case you pose, this policy works in fact to disadvantage of free speech, but we think that the better remedy is not governmental sanctions but rather efforts towards educating the publisher of his public responsibility. The entire problem, of course, is exacerbated where there is a newspaper monopoly in a community for then an irresponsible publisher is in a position not only to keep out of his news columns information with which he disagrees but is even able to prevent such viewpoints from being circulated in paid advertisements.

There is a related problem that concerns balanced programming in radio and television. Our point of view there is somewhat difference in respect to newspapers because of the natural limitations of the wave length that impose a strict limitation on the number of broadcasting stations that can be constructed. Therefore, we have supported the mandate in the Federal Communications Act that calls for some kind of balance in programming, although we have opposed any inquiry by the Federal Communications Commission into the contents of particular programs. Rather, it is the responsibility of the FCC to look at the programming of a station in its entirety and to determine whether it is serving the public's interest, convenience and necessity.

There are those, including some within the ACLU, who believe there is an inconsistency in the ACLU position in broadcasting as compared to newspaper publishing. They say that our distinction between the two forms of communication media is

unrealistic because it is fanciful to say that it is any easier to begin publication of a newspaper than to obtain a license to operate a television station. Again, the increasing number of communities that have either a single newspaper or newspapers owned by a single publisher may bear this out in part.

The House Anti-Trust Subcommittee is beginning an investigation early next year into mergers in newspaper publication. We have been asked to give the Committee our views on the problems that such an investigation will necessarily raise, principally how to avoid having the investigation take on the appearance of interfering with the freedom of the press. Our Free Speech Committee is meeting at the end of this month to discuss that problem and I will bring before it at the same time the issue you raised in your letter.

I look forward to your response to this letter.

Sincerely yours,

Melvin L. Wulf
Legal Director

for ACLU

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK 10, N.Y.

RECEIVED
JAN 28 1963

Cr. ref.

January 25, 1963

Miss Frances Pauley
Executive Director
Georgia Council on Human Relations
41 Exchange Place, S.E.
Atlanta 3, Georgia

Dear Miss Pauley:

It was thoughtful of you to send along the name of Fred and Florence Robin as contacts for an ACLU affiliate in Atlanta. I know Fred quite well; in fact, he was an assistant director of the Union for a few years in the late 1940's and interviewed me for my first job with the Union in 1949. The Robins are talented, and would be of real help to the affiliate. We'll certainly be in touch with them.

Cordially yours,

Alan Reitman
Associate Director

P.S. - The Robins' address is 926 Crane Road, NE. He was with the American Jewish Committee for several years. Knows the civil liberties field and organizational needs.

AR:rcb

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK 10, N.Y.

PA
MS

March 18, 1963

Dr. Edward T. Ladd
Division of Teacher Education
Emory University
Atlanta, Georgia

Dear Dr. Ladd:

Leslie Dunbar of the Southern Regional Council told me several weeks ago about the plans for the interim group that we hope will come into being and spark the organization of an ACLU affiliate in Atlanta. He mentioned that a meeting of the group had been arranged, I believe, for the early part of March. As we naturally are eager to see if our hopes can be realized, I would like to know if the meeting has been held, or what the prospects are. Could you fill me in?

On a separate but related matter, we are beginning to receive inquiries from persons concerning the course on Communism that is supposed to be taught in the Georgia schools, under a law passed by the legislature a few years ago. I remember that when I was in Atlanta someone said this law was not being vigorously enforced, or at least that our civil liberties concern that indoctrination would result from such a course had not materialized. Is this report accurate? Could you send me whatever information you have about the course? Many thanks for your cooperation.

Cordially yours,

Alan Reitman
Associate Director

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK 10, N. Y.

file

March 19, 1963

Mrs. M. E. Tilly,
Director of Women's Work
Southern Regional Council, Inc.
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Mrs. Tilly:

Thank you so much for your additional generous contribution to the Union's work which came along with your ballot for the Board of Directors. Your letter was still another indication of the depth of your feeling for the Union and the work we do.

Mr. Pemberton's plans for May will bring him to Florida around the 10th or 11th, so he could be in the Atlanta area around that time, if this would be propitious.

Thank you for all your help.

Cordially yours,

Alan Reitman
Associate Director

AR:rcb

Leslie: I tried to say not too much, but felt I had to reply to her question

April 9, 1963

Mr. John DeJ. Pemberton, Jr.
Executive Director
American Civil Liberties Union
156 Fifth Avenue
New York 10, New York

Dear Jack:

I hope to be back in touch with you very soon regarding your visit to Atlanta.

In the meantime, could you or someone drop me a line regarding the enclosed letter from Lucius Pitts. As you will note from the last sentence, he is away, and I cannot at the moment find out any more about this. You probably have not been on the job long enough to have come to know Mr. Pitts. He is a man who would not be writing in this way unless there were something substantially involved. I don't, however, know what to do or what you can do.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK 10, NEW YORK

PUBLIC AID TO CHURCH-RELATED INSTITUTIONS OF HIGHER EDUCATION

(MAJORITY POSITION ADOPTED BY THE CHURCH-STATE COMMITTEE AT ITS MEETING ON JUNE 1, 1963)

I.

The First Amendment to the United States Constitution provides that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof ...". When applied to private schools and colleges, this principle means that no public funds or financial assistance shall be used to aid or support any institution the educational program of which is designed by those who control it to foster religion through instruction, practices, or religious exercises. (This does not foreclose, however, government practices -- such as are specified in II.B. below -- which, since they do not represent the type of financial assistance prohibited by the First Amendment, may validly involve such institutions.)

Not every activity of a religious group is necessarily a religious activity. It is the nature of the activity looked at as a whole, rather than the nature of the sponsor, which is the important factor. Hence, the mere affiliation of an educational institution with, or its sponsorship by, any church, sect, denomination or religious society does not necessarily bar the educational institution from public funds. Other features of the institution's activity must be examined to determine its eligibility. These should be such that they can be determined without too much difficulty by a public administrator or court of law.

Schools or colleges which engage in any of the following practices do foster religion and are therefore prohibited from receiving any public funds or financial assistance:

1. Faculty members or students are required to be members of a religious organization or are required to subscribe to any particular belief, or to any opinion whatsoever, as a condition of employment, admission or graduation.

2. Any student is required to attend religious services or participate in religious programs.

3. Any student is required to register for courses or to attend classes designed to foster religious doctrines. (This does not relate to objectively presented courses about religion such as comparative religion or the history of religion.)

4. Any student is subject to disciplinary measures based solely on religious grounds.

5. Instruction or educational activity is conducted in classrooms displaying religious symbols, pictures, or objects.

In all of the foregoing criteria, wherever the words "religion" or "religious" occur they may be understood as referring to an organized church, sect, denomination, body or association of such bodies.

II.

A. We believe that the following forms of public financial assistance are prohibited by the constitutional principle embodied in the First Amendment to the institutions of higher education described by any of the criteria stated in I, above:

1. General federal or state grants for such purposes as:

   a. construction of buildings, facilities, or equipment
   b. faculty salaries or general instructional costs
   c. costs of operation and maintenance.

2. Per capita grants from public funds on the basis of the number of students attending or graduated.

3. Scholarships to students from public funds for the purpose of attending a seminary or divinity school.

4. Loans from public funds for the construction of buildings, facilities, or equipment.

B. We see no objection on constitutional or civil liberties grounds (although we express no opinion as to their desirability from a policy point of view) to the involvement of any accredited institution of higher education in the following programs, since we do not believe they represent the type of use of public funds or financial assistance prohibited by the First Amendment:

1. Grants from public funds through reasonable contracts for specified projects of research required by the national interest and of non-religious import.

2. Tax deductions for the educational expenses of persons who are in attendance at accredited colleges or universities.

3. Public scholarships and fellowships to aid students to attend accredited colleges or universities of their choice; provided that the scholarships or fellowships

   a. Are awarded in public competition on the basis of academic ability, scholarly achievement, or professional aptitude (but not to include attendance at a seminary or divinity school); or

   b. Are granted in reward for specified services to the country, which may have affected the recipient's educational opportunities.

4. Public loans to aid qualified students to attend accredited colleges or universities for scholarly or professional purposes (but not to include attendance at a seminary or divinity school) provided the loans are based on academic ability, scholarly achievement or professional aptitude.

5. Tax exemptions on properties or income of non-profit institutions not including income from properties or activities that are unrelated to educational purposes.

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LOUISVILLE, KY.

KENTUCKY CIVIL LIBERTIES UNION

(Affiliated with American Civil Liberties Union)

Route 2, Jeffersontown, Ky.

FOUNDED 1955 Tel: 267-7452 INCORPORATED

MJ - for filing
I gave note to Shirley
MA - 6-27-63

June 26, 1963

Southern Regional Council
5 Forsythe St., N.W.
Atlanta, Ga.

Gentlemen:

Please change the name of the chairman of the Kentucky Civil Liberties Union to

Mrs. Priscilla Robertson
Route 1
Box 426
Anchorage, Ky.

Yours very truly,

A S Kling

ASK:ls

Arthur S. Kling

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK 10, NEW YORK

Sat file

August 19, 1963

TO: The Church-State Committee

FROM: George Soll

STATEMENT IN SUPPORT OF MAJORITY POSITION
OF ACLU CHURCH-STATE COMMITTEE re: PUBLIC
AID TO PRIVATE COLLEGES AND UNIVERSITIES

This memo is written in support of the "majority" position of the ACLU Church-State Committee respecting public aid to church-related colleges and universities.

The majority position is substantially the same as the traditional one which has been followed by the ACLU in the past. Some of the underlying premises in the traditional ACLU position have been explicitly set forth in the majority statement. The philosophic bases of the majority position are contained within the statement itself.

However, there were at least two other views which received support within the Committee. They were diametrically opposed to one another and, to a greater or lesser extent, opposed to the majority position.

Re: Opposing Viewpoint Supporting Aid to Church-Related Colleges and Universities

One of these opposing views differs with the majority's in two respects: It holds that (1) the criteria used by the majority to differentiate between church-related colleges (to which public aid may not be given) and non-church-related colleges are unwise and exclude too many private colleges; and (2) some types of aid the majority deemed prohibited to church-related colleges might constitutionally be given to them.

The majority position set forth criteria to distinguish between church-related colleges and universities and non-church-related institutions. The criteria seemed to us a fair way to distinguish between institutions of higher learning primarily devoted to education and those in which religious indoctrination was a significantly important goal. It should be pointed out that the criteria used for colleges and universities are in a few respects different from those applicable to elementary and public schools, account having been taken of the fact that students in colleges and universities are less susceptible to certain influences than younger children. Thus, the wearing of religious garb by some faculty members does not disqualify a college or university from receiving public aid where it would have that effect in an elemenatary or secondary school.

As for the types of prohibited and permitted financial assistance, we believe they look to the substance rather than the form of particular types of assistance. Thus we believe per capita grants to church-related colleges based on the students attending the same are as much assistance to such institutions as grants for construction purposes or faculty salaries.

Re: Opposing Viewpoint which Would Exclude More Colleges and Universities from Public Aid

Another opposing view holds that the majority position is not broad enough and those holding this view would exclude from public aid not only colleges and universities which follow any of the forbidden practices enunciated in the majority position, but, in addition would exclude colleges which do not follow any of the

prohibited practices so long as they are controlled by a church group. The majority rejected this view, I believe, because they felt that the practices at a college are what determines whether or not it is church-related for constitutional purposes -- not the affiliation of the college with any pariticular religious group. Further, control is too difficult to define in this context in a meaningful way and might be used to discriminate unfairly between schools affiliated with one religious group and those affiliated with another. For example, it would be unfair to prohibit aid to Fordham University, which is affiliated with the Roman Catholic Church and to allow it to American University, which is affiliated with the Methodist Church, if the practices followed at both schools were the same (a fact on which I express no opinion here, having used both universities for hypothetical purposes only).

A final point -- the majority view confines itself to the civil liberties issues only. It is not concerned, anymore than the ACLU is, with such policy considerations as

(1) Whether public aid for any colleges and universities is desirable from an educational, fiscal or other policy point of view;

(2) Whether church-related colleges and universities offer a better or poorer education than non-church-related institutions.

(3) Whether church-related institutions promote religious bias;

(4) Whether church-related institutions help fulfill national defense or similar objectives.

These policy considerations, and others, are important and should be weighed carefully by all persons. However, they are not considerations relevant to the ACLU's limited role as a guardian of constitutional and civil liberties and should play no part in its determinations.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK 10, NEW YORK

August 19, 1963

TO: The Church-State Committee

FROM: The Office

AMENDMENT PROPOSED BY MR. GREENAWALT TO THE COMMITTEE
STATEMENT ON PUBLIC AID TO INSTITUTIONS OF HIGHER EDUCATION

The following is the text of Kenneth Greenawalt's proposed amendment of the first paragraph of Part I of the committee "majority" statement, as excerpted from the March 27, 1963 Church-State Committee minutes. Mr. Greenawalt has requested that his amendment be circulated to the Committee for the purpose of this mail poll.

> "[Mr. Greenawalt] moved that the first paragraph [of the Committee statement] be amended to read as follows:
>
> > The First Amendment to the United States Constitution provides that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...'. This principle means, when applied to private schools and colleges, that no public funds or financial assistance shall be used to aid or support any institution of learning wholly or in part under the control, direction or support of any religious institution or in which the educational program is designed by those who control it to foster religion through instruction, practices, or religious exercises at the school or college.
>
> His motion also urged the striking of the second sentence of the second paragraph of [Part I of the Committee statement], beginning 'Hence...'."

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK 10, NEW YORK

August 19, 1963

TO: The Church-State Committee

FROM: John Krumm

PROPOSED AMENDMENT OF COMMITTEE STATEMENT ON PUBLIC AID TO INSTITUTIONS OF HIGHER EDUCATION

I have studied the "final" form of the statement on "Public Aid to Church-Related Institutions of Higher Learning" and would endorse it with the exception of Section #3 in the third paragraph, which reads "Any student is required to register for courses or to attend classes designed to foster religious doctrines. (This does not relate to objectively presented courses about religion such as comparative religion or the history of religion.)" I would want this section deleted on the following grounds:

A. It is unenforceable. "To foster religious doctrines" refers to the intention or aim of the instructor and that is impossible -- or at least very difficult -- to ascertain.

B. It is educationally unwise, especially in higher education. I think a passionately committed teacher, anxious to persuade and indoctrinate, is often the very best kind of teacher, provocative, stimulating, exciting. As a matter of fact, I even believe that a passionate advocacy of Communism would be illuminating and exciting educationally. I do not think students at the college or university level are likely to be swept away by such indoctrination. President Grayson Kirk in his recent Commencement address argues that college students are mature enough to evaluate such advocacy (he was speaking about Communism) and to see its weak points and inadequacies. I should say the same thing about attempts "to foster religious doctrine."

C. It stacks the cards against the advocacy of religious doctrines held by organized churches, sects, denominations, etc. and is the very opposite of neutrality. Neutrality would demand that a clause be added prohibiting equally any course designed to foster disbelief in religious doctrines, any course designed to subvert, ridicule, or cast doubt upon any religious doctrines. I should find that a shocking invasion of the freedom of teaching, and I must also judge #3 to be such an unwarranted invasion.

If the motion to delete does not prevail, I must reserve the right to attack the inclusion of #3 as vigorously as I can in public and private. I should certainly want my objection to it recorded.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK 10, NEW YORK

August 19, 1963

TO: The Church-State Committee

FROM: Harold Stahmer

PROPOSED AMENDMENT OF COMMITTEE STATEMENT ON PUBLIC AID TO INSTITUTIONS OF HIGHER EDUCATION

In response to the Committee's majority "Statement on Public Aid to Church-Related Institutions of Higher Education", I would move that we adopt Part I, 1 & 2 as representing our position and omit the rest.

My reason for moving to delete the remainder of the memorandum stems from a firm conviction that the notion or concept of "neutrality" with respect to matters affecting religion can only lead to a position that limits "the free exercise thereof" and gives preferential treatment to all other viewpoints.

My position is that on the level of accredited higher education the notion of "neutrality" and "objectivity" is a fiction. Everything taught in a university involves commitment to a particular viewpoint, methodology or ideology. This is as true in philosophy, the social sciences, and English, for example, as it is in religion. Further, the future of a "free society" depends for its realization upon the exposure of students to every possible kind of ideological commitment. To conduct the educational venture otherwise would be to divorce certain passionate intellectuals from participating in the task of the creation and preservation of a truly human society.

I am naturally aware that many, if not most, of our committee reject the implications of the possition that regards religion as ideology and/or methodology. I am also aware that the definition of religion in terms of traditional cultic or confessional association and whether or no one "claims" to be religious is a more manageable definition for those concerned with law and church-state constitutional questions. However, some of us on the committee are primarily students of religion as distinguished from law and also from religious leaders interested in legal aspects of church-state questions. Perhaps the traditional categories for dealing with the definition and implications of religion in contemporary society are outdated? Can a free society truly survive without at least a protest that suggests that new avenues are needed to deal with these questions?

In conclusion I offer two comments about our work thus far. First, as I review our interests over the past two years I think we have raised as many questions involving academic freedom as church-state. Perhaps we ought meet together? Secondly I think much constructive thinking about religion in our committee is handicapped by the traditional liberal's fear of Roman Catholicism. I am increasingly more concerned about the effect of this mentality upon the future of religion and free inquiry in a free society than I am about the threat posed by any religious minority group. If the debate between these two mentalities could be confronted as an "ideological" and "methodological" conflict by our members, then the task of this committee would be completely recast.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK 10, NEW YORK

August 19, 1963

TO: The Church-State Committee

FROM: Charles M. Whelan, S.J.

PROPOSED SUBSTITUTE MOTION FOR COMMITTEE
STATEMENT ON PUBLIC AID TO INSTITUTIONS OF HIGHER EDUCATION

There are three reasons why I dissent from the basic approach of the majority of my brothers on the Church-State Committee:

1) Their approach is not adequate to deal with the civil liberties problems of public aid to higher education.

2) Their approach is not consistent with the stand taken by ACLU in the South Carolina unemployment benefits case.

3) Their approach makes ACLU a religiously partisan organization.

1) Adequacy of approach: There are some special Church-State problems in public aid to higher education, but they are not the only civil liberties problems. My most fundamental objection to the Committee's proposal is that it is not linked with proposals from other relevant committees, such as the Committee on Academic Freedom. If ACLU approaches public aid to higher education solely from the Church-State point of view, it will be gravely deficient in its concern for civil liberties.

The greatest danger in public aid to higher education is not that the churches will use it to subvert the government but that the politicians will use it to subvert education. One has only to think of what Southern politicians have done with public school systems. They have used them to perpetuate the myths of white supremacy and of the right of nullification. Again, one need only think of the problems of academic freedom in state universities and colleges throughout the nation. No one could seriously contend that those problems are less grievous than similar problems in private and church-related institutions.

In our day and age, governmental support of education at all levels is absolutely necessary. The problem is how to prevent this support from turning into domination of education. To my mind, there is only one way: by keeping the government neutral towards diverse systems of education.

If the government supports only one type of education, that type will prevail. If government supports all types of education which meet recognized academic standards, then those types will survive which the citizens freely choose. If church-related colleges and universities are to pass from the American academic scene, they should disappear as a result of the free choice of parents, students, and teachers -- not as a result of economic disadvantages imposed by politicians or any dominant majority.

2) Consistency of position: Intellectual consistency is not the supreme virtue, but neither is it negligible. I do not see how ACLU can argue that government must accommodate some financial programs to religious pluralism but not others.

The same day that the Supreme Court outlawed the Lord's Prayer and devotional

Bible-reading in the public schools, the Court also held that South Carolina must give unemployment benefits to a Seventh Day Adventist whose reason for being unemployed was that her conscience forbade her to work on Saturday. ACLU supported both decisions of the Supreme Court.

These decisions can be reconciled in terms of accommodating governmental programs, such as public schools and unemployment benefits, to the religious pluralism of our country. The Supreme Court was at pains in both cases to emphasize that the traditional and fundamental Church-State principle is the neutrality of the government. As I understand it, this is also ACLU's position.

It seems to me that consistency requires objection to economic burdens in the area of higher education as well as in the matters of Sunday closing laws or unemployment benefits. Surely the right to an education consistent with conscience is not less precious than the right to conduct a business or to public assistance during periods of involuntary unemployment.

A majority of the Church-State Committee would disqualify church-related colleges and universities from any substantial participation in public aid to higher education. Such disqualification would obviously create a serious economic burden on those whose conscience requires an integration of secular and religious knowledge. I do not see how the Committee can reconcile this disqualification with the position ACLU took in the South Carolina case.

3) Religious neutrality: The Committee's majority proposal is based on a concept of Church and State which has been rejected by the Supreme Court and by many American intellectuals. That concept interprets "separation" to mean "segregation." Separation of Church and State is a fundamental constitutional principle, but it makes a lot of difference whether "separation" means "segregation" or "neutrality." The two most recent decisions of the Supreme Court emphasize once again that familiar legal practices must sometimes be changed in order to preserve governmental neutrality and the equality of all religions before the law.

In the past ACLU has been identified with opposition to coordination of governmental programs with organized religions, whatever their creed. The Committee's proposal will certainly reinforce this reputation. True religious neutrality would seem to require that ACLU be just as opposed to laws which give an enormous practical advantage to unorganized religions such as agnosticism or secularism.

Even in its opposition to governmental coordination with organized religions, ACLU has not been consistent. It has supported changes in the laws which would be favorable to Jews and Seventh Day Adventists. There is one organized religion, however, with which ACLU finds itself in almost constant disagreement on Church-State matters: Roman Catholicism. Since ACLU is a religiously neutral organization, the fact of such disagreement is certainly worth special attention from both parties.

If it is wrong for the government to support any orthodoxy, it is just as wrong for the government to support the brotherhood of man as it is for the government to support the Fatherhood of God. If it is right for the government to support some orthodoxies but not religious orthodoxies, some distinction must be found between those principles which are religious and those which are not. This the Committee's proposal does not do -- except in terms of organized religious orthodoxies.

****

For these reasons it seems to me that the Commitee's proposal is inadequate, inconsistent, and religiously partisan. As a result, I make the following motion:

Resolved, that the majority proposal be stricken entirely and the following statement substituted therefor:

STATEMENT ON PUBLIC AID TO HIGHER EDUCATION

The reconciliation of academic freedom with governmental support and regulation of education is one of the enduring problems of civil liberty. In the field of higher education, on whose excellence and creativity the other levels of education depend, this problem is particularly acute. If the Federal Government embarks upon substantially increased programs of support of higher education, we believe that the following principles should be followed:

1) Unrestricted grants and loans, to be used at the discretion of the recipient institutions for construction, salaries, or other educational expenses, should not be made available to any institution, because

   a) the Federal Government has an inalienable responsibility for the proper use and expenditure of Federal funds; and

   b) such grants and loans, since they go to meet current operating expenses, tend to make the recipient institutions totally dependent on the Federal Government.

2) Restricted grants and loans, to be used for clearly defined national interests in education, should be made available to all accredited institutions of higher learning, public and private, demominational and non-demominational, because

   a) such neutrality of the Federal Government towards diverse systems and philosophies of education will help preserve governmental neutrality towards religious pluralism in our country; and

   b) such clearly defined purposes for the funds will help delimit the area of Federal regulation and thus preserve the legitimate autonomy of educational institutions, both public and nonpublic.

3) Accredited institutions of higher learning should not be eligible for Federal aid for those departments within the institution which require students or faculty members to subscribe or conform to any creed, theistic, atheistic, or agnostic, because

   a) such requirement of belief or conformity is not a legitimate object of Federal assistance; and

   b) such departments or institutions as divinity schools should be totally free from governmental interference or assistance.

4) So far as possible, Federal aid should be given on an individual basis, through such media as tax deductions or credits, and through scholarships and student loans based on merit and need, because

   a) such individualization of aid will help guarantee individual freedom of choice; and

   b) such individualism of aid will help minimize direct governmental dealings with academic institutions, whether public or nonpublic.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK 10, NEW YORK

August 19, 1963

TO: The Church-State Committee

FROM: Robert Bierstedt

PROPOSED AMENDMENT OF COMMITTEE STATEMENT ON PUBLIC AID TO INSTITUTIONS OF HIGHER EDUCATION

1. I believe that our purposes are well served by concise statement and would therefore argue that all of Part II might be deleted, leaving Part I as a general and I think excellent statement of principle. I have to concede on the other hand that there is virtue in the view you have advanced, Jack, that we spell out in some detail the forms of public assistance that we approve and disappprove, and I therefore indulge in a small commentary on Part II.

2. With respect to Section A of Part II, I agree without exception.

3. I similarly agree with Paragraphs 1, 2, and 5 of Section B of Part II.

4. I would support Paragraph 3b of Part II for the same reason that I do not disapprove of the use of public funds for the maintenance of chaplains in the military forces -- those who serve would otherwise be deprived of the free exercise of religion by the state. Scholarships and fellowships to ex-servicemen, as under the GI Bill of Rights, may therefore be looked upon both as restitution of a kind for state-induced deprivations and as a reward for service to country.

5. I would oppose Paragraph 3a, however, and all of Paragraph 4 on the ground that these two provisions largely nullify the principles set forth in Part I and I think therefore that they should be excised. Both scholarships and loans would seem to me to constitute assistance to schools and colleges that indulge in the practices condemned in Part I, even though here the assistance may be said to be indirect. It is a gray area, to be sure, but we have to draw the line somewhere, and these two items seem to me to begin to circumvent our principles. I would also have grave doubts about the constitutionality of these two provisions, and would therefore have difficulty in subscribing to the preamble of Section B.

6. This is probably not the place to re-argue the entire case with Father Whelan, but I must confess that I fail to find merit in his contentions. I have a comment on each of them, as follows:

1. Adequacy of approach. Father Wheland believes that "If church-related colleges and universities are to pass from the American academic scene, they should disappear as a result of the free choice of parents, students, and teachers -- not as a result of economic disadvantages imposed by politicians or any dominant majority.' But they began precisely as a result of the free choice of founders and parents who were willing and indeed glad to find financial support for them. They suffer no new deprivation if they do not now share in government aid.

2. Consistency of position. The inconsistency Father Whelan discerns in the case of the Seventh Day Adventist is illusory. The fact that her religion does not disqualify her for unemployment benefits by no means implies that it qualifies her to receive government funds for the support of Seventh Day Adventist schools. The Constitution neither disqualifies her for the one nor qualifies her for the other. This is the genius in the two clauses of the First Amendment.

3. Religious neutrality. Father Whelan's argument here requires one to agree that agnosticism is a form of relgiion and that neutrality is a form of partisanship. I can only say that I regard this as a curious use of the English language.

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ALAN REITMAN ASSOCIATE DIRECTOR AMERICAN CIVIL LIBERTIES

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ACLU - Greater Philadelphia Branch

October 8, 1963

MEMORANDUM

From: Spencer Coxe, Executive Director
To: Freedom of Expression Committee

Subj: Shared Time Arrangements in Area Technical Schools

In January 1963, the Committee discussed "shared time" and resolved that "ACLU should oppose any program of shared time which would involve a substantial alteration in the program or activities of the public school system in order to compass ends other than education of public school children." The Committee decided that shared time programs should not be opposed per se, but indicated a desire to review any specific program.

One of our members, William M. Pye, Jr., who is on the Upper Gwynned School Board now asks us to consider whether or not the plans for area technical schools, to be open to non-public school children, constitutes a violation of separation. Mr. Pye is being invited to the meeting, as is Harry E. Sprogell, Esq. (Mr. Sprogell is one of our Board members, was formerly a school Board member in Gwynned, and has discussed the problem with Mr. Pye.)

Act 463 of the 1963 Session of the Pennsylvania General Assembly establishes a legal framework for the development of "area vocational-technical education at the secondary level." It provides for the establishment of new vocational schools offering courses in 25 vocational subjects, from foundry work to beauty culture. Students who sign up for courses in these schools will continue to attend their regular high school for academic courses, but will spend part of their school day in the technical school. The area technical schools will be created by the County Board of Education, and individual school districts within the area to be served will sign up to participate. The technical schools will be supported partly by the local school districts whose students are making use of them, and partly by additional state funds. The technical schools will be open to students from non-private schools, apparently on the same basis as for students from public schools.

The county Boards are now in the process of deciding where to create the technical schools (and how many to create) by circulating questionnaires in all the high schools to determine student interest in the 25 courses. In Montgomery County, a "tabulation of student interest survey" has been prepared, indicating that a questionnaire was circulated in 5 high schools including Lansdale Catholic High School. A total of 1251 students indicated an interest in technical courses (648 boys and 613 girls); of this total 144 were students at Lansdale Catholic.*

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* Sociological Note: Beauty Culture is the most popular "technical" subject among Catholic and non-Catholic alike, and is slightly more popular among Catholics than non-Catholics.

2. Shared time recognizes the reality of a major religious group, numbering over 40 million Americans, intent upon a Catholic education for every Catholic child. The realization of this purpose is possible only with public assistance. Opponents of shared time might well ponder the question: How long will it be possible to resist this drive for tax aid; and, if we are unsuccessful in resisting it, what will be the result for public education?

In a word, opponents of shared time apparently assume that the status quo is irrevocable and unchangeable. It is exceedingly dangerous to rest on the assumption that pressures for public aid to parochial schools will forever be successfully resisted.

3. The plan would afford the opportunity for several hundred thousand children - those who might otherwise attend a church-related high school full time - to "rub shoulders" with public school youngsters. These helpful contacts would take place in the democratic atmosphere of the public school, and therefore would have a meaningful influence on the children affected. As Sister Annette Walters, C.S.J., said in Religious Education (all references to this publication are to the January-February, 1962 issue), shared time would "effect an orderly transition from the relative isolation of the Catholic school to a broader participation of children and youth in the activities of their non-Catholic peers. Some Catholic educators and parents might even welcome the opportunity afforded by shared time to break down the so-called 'ghetto mentality' or parochialism supposedly engendered by the Catholic school environment consonant with his religious faith."

Thus the plan would make possible an integrated educational experience for many among our school population who would otherwise remain complete strangers, at least during some part of their school life. Doubtless, all will agree that religious segregation, not unlike racial segregation, deprives young people of a culturally enriching life experience. Shared time could well serve to lessen existing divisiveness and mistrust.

4. The plan should reduce the current pressures on the public school to provide a greater religious emphasis than is constitutionally permitted. As Richard Upsher Smith, former chairman of the Committee on Weekday Religious Education of the National Council of Churches, said in his comment in Religious Education: "We would free them [the public schools] to do well what is within their province and not expect them to deal with necessary but divisive or controversial religious questions." Thomas J. VanLoon, director of Staff Services, General Board of Education of the Methodist Church, expressed the same thought in that symposium: "Shared time programs may well see a decrease in practices judged sectarian in the public school since these emphases presumably would be the province of home and church. Improved intergroup and community relations might well result."

5. Proponents of shared time must necessarily recognize that the plan would be inoperable without a commensurate expansion of public school facilities and an increase in the number of teachers. In any event, with more Catholic children attending the public schools it might be expected that the controversy over federal aid to church-related schools will be lessened, and that increased taxes and bond issues to expand and improve public school education will receive wider support. Thus, one of the problems currently responsible for undermining interreligious relationships might diminish in intensity or, perhaps, even disappear.

If this prediction proves to be untrue, it would follow that shared time could not become a reality, for without an expansion of public school facilities and an increase in teaching personnel the plan would simply be inoperable, and support for it should be withdrawn. In no event should shared time be responsible for an increase in class size or double sessions and a consequent diminution in the effectiveness of the public school.

6. It is argued that shared time will impose an insuperable scheduling burden upon school administrators. If, indeed, this is true, that is an end to the matter, and there is nothing further to discuss. However, the shared time proposal necessarily assumes that the administrative problem can and will be resolved, so that this phase of the question should not be an issue except among specialists concerned with scheduling techniques.

7. It is sometimes said that shared time is but an extension of released time. This is a misconception; the plan does not provide a governmental constraint in support of religion; nor would there be possible those subtle influences upon children, present in released time, to participate in religious instruction. In fact, one might argue that shared time and released time are diametrically opposite concepts.

8. If shared time will succeed, to some extent, in minimizing religious conflict and in reducing the grave dangers inherent in a dual system of education, much will have been gained at a minimum cost, for the plan would be operable at the high school level only and the number of children affected relatively small. (As is well known, the church-related high school serves but a small proportion of the non-public school population.)

Arguments in Opposition to Shared Time

1. Shared time might result, over the long run, in a fragmented educational system and a weak and limited public school system.

The proposal probably would lead to a progressive multiplication of part-time day schools, among Protestant, Catholic and Jewish groups, and conceivably among secular special interest groups, as well. With such educationally costly subjects as sciences, industrial arts, home economics, physical education and foreign languages taught in the public schools under the shared time proposal, religious institutions could at comparatively limited expense undertake part-time day school programs in class-room facilities now limited to weekend and after-school use.

A by-product of such an expansion probably would be greatly increased pressures - not unlike those present in the released time program - on public school children to attend part-time religious day school.

If the shared time program were to become widespread, the consequences, over the long run, probably would be a dual part-time educational system which may find public education concentrating on vocational type subjects, with its liberal arts and social science programs greatly weakened.

2. It is recognized that shared time poses Herculean scheduling problems for school administrators. While such administrative problems probably can be solved, the solutions may have negative educational consequences.

It may be anticipated that such complex scheduling would require a rigid, inflexible pattern of cafeteria-style, compartmentalized education. (Somewhat analogous are the problems of scheduling for overlapping sessions and double sessions.) Such a step backward would discourage the trend in experimentation in more flexible and integrated programs of education more responsive to individual needs.

The complex administrative problems also would require the closest ongoing collaboration between public and religious educational officials. Such collaboration would for the first time directly involve religious educators in the planning of schedules for public school courses, which also may lead to involvement in substantive matters, such as overall curriculum, class size, and, for that matter, text books. This might result in unfortunate pressures on public school officials to revise the curriculum to reflect a religious orientation.

Other related administrative problems whose resolution has educational implications relate to the question of responsibility for guidance services and other special services.

3. Shared time, rather than facilitating intergroup relationships, as in the case of released time, may lead to greater religious self-consciousness among public school students, and to increased divisiveness. A large group of youngsters coming into the public school from a religious school for a few periods a day would give added emphasis to youngsters as separate religious entities. The positive, dynamic interplay among students is more likely to occur in those courses such as history and English, which are not taken jointly, and less likely to occur in courses such as the sciences or industrial arts.

4. During the adolescent period, the need for group identification and belonging is particularly acute. The teenager's strong identification with his school, whether parochial or public, meets this need in part. Thus, to thrust a youngster in a dual school system in which such identification is weakened may confuse and disturb him with resultant educational harm. Confusion may also flow from his receiving instruction in two educational systems where the philosophies and approaches to education are in sharp conflict.

5. Previous experiences indicate that it may be questioned whether the increased need for facilities and teachers required under shared time will lead to a greater support for school taxes and bond issues from those who in the past have refused to give such support. Their refusal in part has been based on conflicting philosophies of education reflecting, for example, positions on class size which in turn determines whether there is a need for additional facilities and teachers. Shared time also will not diminish the continued expansion of parochial schools and their need for increased financial help. Thus, it can be questioned whether it will reduce pressures for federal aid to parochial schools.

AMERICAN CIVIL LIBERTIES UNION
Greater Philadelphia Branch
260 S. 15th St., Phila., Pa. 19102

October 22, 1963

Mr. Alan Reitman
American Civil Liberties Union
156 Fifth Avenue
New York 10, N. Y.

Dear Alan:

I may have failed to respond to your query about the shared time program in the Philadelphia Public Technical Schools. Enclosed herewith is the agreement setting forth the program which is now in effect. Also enclosed are a memorandum on similar plans in Montgomery County and a "pro and con discussion guide on shared time" from the NCRAC.

Here is an excerpt from the October 15 meeting of our Freedom of Expression Committee:

> Shared Time: The Committee heard a report from Mr. Pye about the plans in Montgomery County to establish area technical schools. Mr. Orlofsky then reported on the shared time arrangements already in effect in the Philadelphia technical schools, and stated that the Jewish Community Relations Council had expressed to the Philadelphia Board of Public Education its conviction that these arrangements are violative of the principle of separation. Mr. Orlofsky would have no objection to opening the technical schools program to individual students enrolled in parochial schools, provided the arrangements were made with the individuals. The objection is to an agreement between the public schools and a religious institution - namely the Catholic school system - conferring on this institution certain rights which are of aid to it. Mr. Orlofsky pointed out that the diocesan high schools decide which of their students shall participate (See III D of agreement).
>
> Following full discussion, the Committee resolved without dissent that neither the Montgomery County plans nor the Philadelphia program gives rise to a civil liberties problem at this time, and that ACLU should reserve final judgment until the community has had more experience with the experiment.

The Committee's conclusions will be reviewed by our Board of Directors on October 24.

Sincerely,

/s/ Spencer Coxe

Spencer Coxe
Executive Director

SC:lkn
encl.

This is a copy of the agreement between the Phila. School District and the diocesan schools, effective in Sept., 1963

SHARED TIME PROGRAM

I. General Philosophy

A. The pupils assigned to the Technical High Schools for shop instruction will remain on the sending school rolls, but a record of school membership on appropriate forms for purposes of state reimbursement will be kept for each "shared time" pupil in a Technical High School.

B. Tenth Grade pupils only will be assigned on the intial program.

C. Pupils will be assigned, by the sending schools, to various trades in the Technical High Schools according to the number of pupil stations open in a trade at the Tenth Grade level as reported by the Technical High School Principal after all properly qualified applicants from public schools have been accommodated.

D. The Technical High Schools will inform the Associate Superintendent in charge of Secondary Schools of the available facilities, such as trades, numbers, morning or afternoon session. The Associate Superintendent in charge of Secondary Schools will send this information to the Superintendent of Diocesan Schools.

E. The pupils' choice of trade will be the responsibility of the Diocesan school coordinator. There will be only one choice indicated to the Technical Schools.

II. Organization

A. Each Diocesan High School will have one person assigned to coordinate the program with the Technical High School to which that school's students will go on a shared time basis.

B. Each Technical High School will have a coordinator to act as liaison person between his school and a sending school.

C. Classes in the Technical High School will be three clock hours per day, five days per week.

D. Diocesan pupils will report either at 8:30 A.M. or 12:15 P.M. to their assigned trade classes in the Technical School according to the availability of work stations.

E. School year and school holidays for Diocesan pupils, while enrolled for trade classes in the Technical High School, will be the same as full time Technical school pupils. However, the decision as to the observance of vacations or holidays not in the public school calendar will rest with the coordinator in the Diocesan school or his superior.

F. Reports of progress, behavior, and attendance will be sent to the home school at the time of the scheduled issuance of reports to parents in the Technical High School.

G. Graduation requirements will be the responsibility of the sending school.

H. Transportation between Diocesan school and Technical High School will be the responsibility of the individual pupils or of the sending school.

I. Lunch facilities may be used when space is available, if in the opinion of the sending school, this is desired.

J. Diocesan coordinator will be notified of the various shop requirements such as financial expenses, kits, proper uniforms or clothing, safety protection where necessary.

K. There will be only one admission date established by the Technical High School in cooperation with the Diocesan High School. There will be no mid-year admission since the program will be on an annual basis.

L. Change of trade

1. May be recommended by either Diocesan coordinator with permission of parent or by Technical school coordinator to Diocesan coordinator.

M. In summation, the Diocesan pupils will be treated the same as any other pupil in the Technical School during their presence in the school.

111. Admissions

A. Requirements

1. Entrance examination, in keeping with the admissions requirements of the Technical High School.

B. Admissions Committee of the Technical High School will notify Technical School Principal of the following:

1. Vacancies available according to trade, boys or girls, time of day.

2. Names of applicants who have qualified.

C. The Technical High School will notify the Diocesan High Schools from which applicants for "shared time" enrollment have come of those pupils who have qualified for admission.

D. Each Diocesan high school will make the decision as to which pupils will be enrolled in the "Shared Time Program" and send the names to the Technical High School in which they have qualified for admission.

IV. Removal of pupil from Technical High School

A. A Technical High School may request removal of pupil.
B. Sending school may request removal of pupil.
C. All removals will be arranged between the coordinators of the schools concerned after consultation with their principals.

Approved:

Allen H. Wetter Superintendent Phila. Public Schools	Wm. M. Duncan Associate Superintendent Phila. Public Schools	(Rt. Rev. Msgr.) Edward T. Hughes, Superintendent Phila. Diocesan Schools

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE, NEW YORK, NEW YORK 10010

October 30, 1963

TO: The Church-State Committee

FROM: Jack Pemberton

MEMORANDUM ON THE FORBES TRAIL, PA. SHARED TIME EXPERIMENT BY THOMAS M. KERR, JR., OF THE PITTSBURGH CHAPTER

I have talked personally with Father Leo T. Henry, the principal of the St. Thomas District High School in Braddock, Pa. which is the parochial school cooperating with the Allegheny County Board of Education in the Forbes Trail Technical School program. I have also talked with the principal, Mr. Brown, of the school and with the secretary of Dr. Beatty, Chairman of the County School Board. Dr. Beatty was unavailable. However the secretary was able to provide me with the information which I requested.

Shared time in Pennsylvania is not a new type of program. I have been informed that one form or another of shared time has been practiced for more than 55 years in the state. Previously this program was limited to vocational shop work and home economics. The Forbes Trail experiment represents an extension of the program as it was previously operated.

Forbes Trail Technical School was established by the County Board of Education to meet a specific need in the area of vocational training in Western Pennsylvania. Its entire curriculum is basicially non-college preparatory. It is aimed at providing technical skills in the field of electronics, marketing, chemistry, civil construction and computer programming and maintenance. It offers eight courses as follows: 1. Computer programming; 2. Computer maintenance; 3. Civil construction; 4. Electronics; 5. Engineering; 6. Automotive engineering and theory; 7. Marketing; 8. Chemistry technician.

None of these courses are offered in any of the public high schools of the County as far as I could discover. The program is offered to all of the County public high schools as a supplement to their curriculum. No student is enrolled primarily in the Forbes Trail Technical School. His primary enrollment is in another public high school, from which he is transported if he elects to take these courses for three hours daily for two years. These courses count as credits towards graduation. All other curriculum requirements for graduation are met in the primary high school of registration.

The program was offered by the County to the St. Thomas District High School in Braddock on an experimental basis. It should be pointed out that the parochial students who elect these courses enter the Forbes Trail Technical School as public school students. As far as the County is concerned they are residents in a school district of the County to which this program is offered.

The school was built and equipped and staffed for a capacity of 500 students. The present enrollment is 449, with 36 coming from St. Thomas High School in Braddock, the remainder coming from public high schools in the surrounding area. The students from the parochial school walk from the parochial school to the public school nearest to them where they receive transportation on the same basis as the public school students to the technical school at Forbes Trail.

The current operating budget for the school is $203,000. At its capacity the cost per student would be approximately $400. Since it is below capacity the cost per student is slightly higher. At the present level of operation the 36 parochial students out of the present enrollment of 449 do not present any appreciable financial cost to the taxpayer.

I have not heard any conversation or received any indication that there is any intention to expand this program to cover scientific and laboratory subjects which are considered to ne academic or college preparatory. At the present this program is geared solely at the level of the more intensive vocational training in areas where there is a personnel shortage in the area. The present policy offers this County supported technical vocational training program equally to all residents of qualified school districts whether parochial or public.

In summary these points emerge:

1. There are no students at Forbes Trail who are registered primarily at that institution. All students spend only a half day there returning to their school of registration.

2. Students attending Forbes Trail from parochial schools must arrange for their own transportation from the parochial school to the nearest public school participating in the program. The County provides bus transportation from the public school to the Forbes Trail School.

3. The school was originally conceived as an experimental attempt to provide high school students with intensive technical training in areas of increasing job opportunity in Western Pennsylvania. As a vocational supplement to the standard academic curriculum of the public school it was offered on an experimental basis to one parochial school in the district. Indications are that if the experiment proves satisfactory to both schools it may be expanded to include other parochial schools in eligible school districts.

4. The County School Board has taken the position that all students at Forbes Trail Technical School are public school students as far as their participation in the Forbes Trail program is concerned, since they are all residents in qualified school districts in the County.

5. The points of administrative cooperation between the parochial school system and the County school system appear to be the following. The parochial school must adjust its academic schedule in order to release those students who elect to take courses at Forbes Trail for three continuous hours or a half day. These students attend both morning and afternoon, that is, a separate group each period. Since the parochial school grants credit for these courses toward graduation, Forbes Trail School provides St. Thomas High School with grade records.

6. The school was projected by the County School Board to take a capacity of 500 students. Since this capacity has not been reached the basic overhead in staff and equipment would remain the same whether the 36 parochial school students participated or not. (A problem may arise here if the parochial school enrollment pushes the total enrollment beyond the capacity thereby causing a limitation on enrollment from public school sources.) There is no policy statement on the part of the County School Board as to what would happen in the event of the above.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

October 30, 1963

TO: The Church-State Committee
FROM: Jack Pemberton

CATHOLIC SHARE IN A PUBLIC SCHOOL

"SHARED TIME," A daring experiment in American education, has been called the best answer yet to the problems facing Catholic schools. The plan is gaining speed across the country. Here is a first hand report on one town's successful test of it for fifteen years.

From The Sign, June, 1963 Author: Edward Wakin

The shortest distance between public and Catholic schools is probably the walk taken daily by eighty-two boys and girls at Michigan's Cheboygan Catholic High School. The walk is so short that the interval between classes has been reduced from five to three minutes, because that's all the time needed to leave an English or history class and get over the public school for solid geometry or home economics.

In Cheboygan, a small, northern Michigan town, Catholic and public-school educators have been doing what came naturally for fifteen years. Catholic high-school students have taken public-school courses on a piecemeal basis since 1948 and in an extensive program since 1952. But as the Catholic Superintendent of Schools, Father Robert W. Heyer, recalls, "We never called it anything special. Our students just went across the street to classes in the public school."

Only in the past two years did Cheboygan discover that it was running a revolution. It has been operating a "shared time" program, the experiment in co-operation between public and Catholic schools that has caught national attention. All over the country, educators have been speculating: "Will shared time work?" In the obscurity of Cheboygan, students walk back and forth, getting an education.

Students have one foot in Cheboygan Catholic High School, where most of the teachers are nuns, where they go from class to class in single file and in silence and raise their hands before speaking in class. The other foot is in the public school, where most of the men and women teachers are not Catholics, where the atmosphere is informal, and where you'd better stay clear of the door when class ends.

At graduation time, the typical remark of the Catholic students is, "We have learned the worth of both schools." Administrators, teachers, and students on both sides agree that shared time is such a success in Cheboygan that it takes an outsider to remind them that it is something special.

CHEBOYGAN'S SUCCESS STORY is a remarkable case in point for shared time. And it contains the elements which have made shared time one of the most-talked-about experiments in American education: a booming school population, a shortage of money and teachers, a demand by Catholic parents for both a Catholic education and the best possible preparation for their children.

During the past school year, shared time has been gaining momentum all over the country.

In Pittsburgh, where the most-publicized attempt was made in September, twenty-three suburban students are involved in what is already regarded as a successful experiment.

In Bay City, Michigan, sixty-three students from two Catholic high schools are attending classes in two nearby public schools. Detroit has announced the most ambitious program; this fall, 203 seventh-and eighth -grade pupils will attend half-day sessions at the local public school.

In Chicago, Monsignor William E. McManus, Superintendent of Archdiocesan Schools, announced a plan to build a Catholic high school near a new coeducational public high school, in order to take advantage of shared time. All seven pastors in southwest Chicago approved the plan, as did Catholic parents, by an eight-to-one margin.

The idea has sparked favorable comments from both Catholic and non-Catholic leaders all over the country. At the very least, practically everyone is agreed that shared time should be given a full and fair trial. Archbishop Lawrence J. Shehan, of Baltimore, has said that he hopes "narrow assumptions" will not interfere with such a trial. Bishop Stephen S. Woznicki, of Saginaw, Michigan, has called it the "best answer yet" to the problems facing Catholic schools. Arthur S. Flemming, former U.S. Secretary of Health, Education, and Welfare, has written in a national magazine: "Why not ask the leaders of the public and parochial schools in your community to explore the possibilities of a shared time program in your community? By doing so, you will be promoting unity in your community, state, and nation."

The Cheboygan Formula

MEANWHILE, BACK IN CHEBOYGAN, the main questions about shared time have been asked and answered, though, of course, the answers don't automatically apply everywhere else. The questions are both psychological and practical.

Father Heyer and his Lutheran counterpart, Public School Superintendent Paul C. Lemin, emphasize that Catholic and public school officials must get along. A lack of harmony on the administrative level would jeopardize the program. Mr. Lemin adds -- and Father Heyer agrees -- that both sides must meet as educators, not as priest and outsider talking different languages. Coincidentally, both men have their master's degrees in educational administration from the University of Michigan.

Father Heyer, who has guided the Catholic end of shared time since his arrival in Cheboygan in 1952, points out that the program needs "constant watching so the harmony is not shattered." He has managed to do this with three different public-school superintendents. When problems arise, both school superintendents sit down and discuss solutions, keeping in mind that their basic commitment as educators is the same -- "that every youngster get the best possible education."

But the program can only thrive if the local community is behind it. In Cheboygan, this is the case, even though the school board is comprised of one Catholic and six Masons. The source of community co-operation is the realization that both sides need each other and that if they don't co-operate, their children and the community will suffer.

A fact of life in adoption of shared time is the Catholic vote. In Cheboygan, where Catholics comprise about half the population, no public-school bond can pass without Catholic support. In Detroit, a new school bond was recently passed

in the same school district where whared time is being instituted. About half the families in the district are Catholic. It is hardly a coincidence that the same issue of the "Michigan Catholic" that headlined shared time in Detroit editorially urged support of an additional tax for public schools.

While public-school administrators and non-Catholic parents realize they need Catholic support on local taxes and bond issues, Catholic educators openly, admit they are caught in a supply-and-demand squeeze. As Monsignor O'Neil C. D'Amour, of the National Catholic Education Association, has pointed out, "Fifty percent of our children are not in Catholic schools and we must do somethingabout them." Father Heyer says frankly, "If we did not have this shared-time program, we would not be running a Catholic high school in Cheboygan."

With shared time, the Catholic school can handle more students and provide a crucial core of courses in English, history, social science, and religion. These are the courses intimately involved with Catholic values and viewpoints. The so-called "neutral" subjects in science, language, and vocational training are studied in the public school. These are courses often beyond the means of the Catholic school.

In Cheboygan, the Catholic students are taking both academic and vocational courses. The academic include physics, chemistry, trigonometry, solid geometry, and speech. The vocational include wood shop, metal shop, advanced mechanical drawing, and home economics. Sixty-two students are also taking driver training.

The Catholic-school students are officially part-time students in the Cheboygan public school, and the state of Michigan allots funds for them as it does for any student. Since the Catholic students are taking a total of 120 courses and since four courses are regarded as equivalent to one student, the public school receives state funds for an extra 25.75 full-time students.

As Father Heyer confirmed upon his arrival in 1952, shared time is legal. On this, Catholic, Protestant, and Jewish experts agree. In fact, a leading Protestant educator, Dr. Harry L. Stearns, coined the term "shared time" in the fall of 1961.

One of the leading opponents of federal aid to parochial schools, Leo Pfeffer, of the American Jewish Congress, was an early supporter of shared time as a way out of the federal-aid- dilemma, though he now questions its desirability. He has called shared time "perfectly legal and perfectly permissible but not wise."

Fruits of Experience

IN CHEBOYGAN, WHERE shared time is a fact of life, the two schools are more than friendly neighbors. They are more like teammates. The two school bodies are so well integrated that they attend each other's dances and root for each other's teams. More than a hundred students from the public school recently traveled a hundred miles to cheer for the Catholic basketball team. The public-school newspaper allots three pages of news to the Catholic school, which has no paper of its own. The public-school counselor helps the Catholic students pick careers and colleges, she even advised the principal of the Catholic school about a guidance institute she could attend this summer. The public-school chemistry teacher showed me an inscribed cigarette lighter which last year's Catholic-school students gave him.

Even those public-school teachers who profess indifference to religious schooling praise shared time. A former teacher who was openly critical of the program finally said to Father Heyer, "You keep sending me those kids; they're making my classes." One teacher summed up the general attitude: "As far as I am concerned, the students are all the same -- students are students. There are the bright ones who won't work, the average students who work hard, the eager ones who are out to learn, the ones who just get by. I don't even notice which are Catholic-high students and which are public, and I'll bet you can't tell them apart." I couldn't.

To an imperturbable nun, Sister Mary Basil, R.S.M., falls the problem of figuring out a class schedule for 129 boys and 124 girls when one-third of them attend two different schools. As principal of the Catholic school, she is the master juggler who solves a problem that is often cited as a stumbling block to shared time. Sister Mary Basil begins by putting down the schedule of the public-school classes which her students will attend and then builds her own school schedule around them. She sometimes has the choice of two sections of one course and can always rely on manipulation of study periods to help her juggling game. Difficult, and extra complication, yes, but by no means impossible. Sister Mary Basil feels that with a larger school and more teachers, her juggling job would be easier rather than harder.

From her own experience, Sister Mary Basil drew up a balance sheet on shared time. As advantages, she cited the elimination of small classes where facilities and teachers are not fully utilized, alleviation of the teacher shortage, and major economies in not having to build and maintain expensive laboratories for science, language, and vocational courses. The resulting variety provides greater opportunities for students at all levels of ability.

The two practical problems are scheduling (which she has solved) and transportation (which is not a problem in Cheboygan, since the public school is only a half block away). Where the public school is some distance from the Catholic school, bus transportation must be supplied and students attend a block of classes in the public school.

But the Catholic school must also accept the fact that the public-school students get preference and that the Catholic school students can only take classes if there is room. A scheduling conflict must always be resolved in favor of the public school. This year, for instance, not all the Catholic high-school students could be accommodated, and with next year's increase to 510 students from the present 460, the public school is facing pressures from its own rising student population. As Public School Superintendent Lemin points out: "We must make sure we take care of every public-school pupil first."

Both Father Heyer and Sister Mary Basil are impressed by the favorable side effects of the program. The Catholic students have the opportunity to make an impression as students and as Catholics. Where there is so much intermingling, it is easier to prevent a wall of bigotry from rising between Catholics and non-Catholics. Catholic students, in turn, face the real world of American pluralism, instead of huddling inside a Catholic environment.

The Cheboygan community views both schools as its own, even to the extent of having an annual civic luncheon to honor the athletes of both schools. To prevent tensions from arising, no games or contests are scheduled between the two schools. They even avoid playing the same opponents, so comparisons are impossible. In the long run, Father Heyer's view has been confirmed: "The kids themselves sell this program."

The Uncommitted Majority

While educators want shared time to be widely tested, they are largely uncommitted. They are waiting for the results. The new Detroit experiment is of particular interest, since it involves - for the first time - a large number of students in a large urban area.

Some reservations about shared time are already evident. Monsignor D'Amour thinks of it as a long-range evolutionary process which needs Protestant support, in particular, in order to move forward. He emphasizes that it cannot be merely a matter between Catholic and public schools. And the public-school administrators, for their part, have been questioning whether shared time is either necessary or desirable.

Though Catholic schools have received the most attention in their response to shared time, the program applies to all denominational schools. From Monsignor D'Amour's viewpoint, shared time is, first a response to religious illiteracy (which Catholics regard as mainly a protestant problem) and, second, a response to the pressures on private schools (largely a Catholic problem).

In the most recent response of Protestants, the Division of Christian Education of the National Council of Churches has approved a recommendation to explore and study shared time. A Council spokesman added that shared time is regarded by some as a misnomer; other suggested labels are "reserved time" and "co-operative arrangements," designed to remove any erroneous impression that the private school is invading the public school.

Shared Time - A Compromise?

While Monsignor D'Amour feels shared time could be a solution to the needs of a rising, Catholic school population, he insists that it must be regarded as a compromise. It involves only partial control of the education of Catholic youngsters. This is the conventional viewpoint of the Catholic educator, who can muster a powerful supporting argument. But out there in Cheboygan the argument grows weaker, Is it so important that wood shop and home economics be Catholic controlled? Is algebra particularly Catholic? It is such questions that shared time provokes, and an unexpected result of the experiment may be some re-thinking on the notion of a Catholicized school curriculum.

Moreover, in Cheboygan, the Catholic-school students said they prefer the more stringent discipline of the Catholic school and the more severe restrictions imposed upon them by the nuns. Comparison seemed to increase the loyalty of the students to the Catholic school. This is what the students said and what the Catholic school officials observed. It is unlikely that this is a grand delusion. One official at the Catholic school said: "If we don't have something special that bears up under comparison, then we should not be in business."

Will success spoil shared time in Cheboygan? It does not seem likely, for both schools are looking ahead to the building of a new public high school about a mile and a half from the present one. The plans will include facilities for part-time, Catholic high school students, who will travel to class by bus and attend the public school on a half-day basis. On the Catholic side, there will be support for the new school bond needed to finance the school. On the public school side, the door will remain open to part-time students from the Catholic high school.

In retrospect, their continuing exercise in co-operation had a promising omen from the beginning. Not only did the Catholic high-school students begin their then unnamed experiment by taking classes in the public school, but a few public high-school students reciprocated by taking a business course in the Catholic school.

LWD ✓

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Questions and answers for late 1963...

QUESTION: More and more your attention is focussing on the various candidates being considered for the Presidency next year; why then does the non-political American Civil Liberties Union send you this letter now?

ANSWER: Because civil liberties issues are vital and are so recognized by all candidates. Their stand on free speech and association, due process of law, and equality for all Americans will be watched by the entire country. And as the nation's only non-partisan watchdog for the Bill of Rights, the ACLU alone can defend your civil liberties interests wherever they may be threatened -- even at the candidates' headquarters.

QUESTION: Are your civil liberties safer today than, say, 25 years ago?

ANSWER: In 1938, Mayor Hague had crushed free speech in Jersey City. Four of the Scottsboro boys were still in prison. The House created the Un-American Activities Committee. There was much for the ACLU to do.

.....In 1963 reporter William Worthy, an American citizen by birth, has been sentenced to prison for returning from Cuba without a passport. ACLU attorneys in Louisiana, who have defended hundreds of civil rights demonstrators without fee, have themselves been legally charged with "sedition." The House Un-American Activities Committee continues to violate civil liberties. There is still much for the ACLU to do.

We need the strength of every voice whose devotion to the Bill of Rights is not qualified by adherence to Communist, Fascist, KKK, or other totalitarian doctrine. With 33 active local affiliates, we are now 65,000 strong -- with an experienced staff and talented volunteers (including a thousand cooperating attorneys). But I needn't remind you that politicians -- and candidates -- respect numbers. YOU are needed now.

I hope you will become at least a $10 member, but join with whatever you can. By mailing the envelope above you will help keep America a home of freedom.

John de J. Pemberton Jr.

John de J. Pemberton, Jr.
Executive Director

All new members receive: a membership card-receipt, *Civil Liberties* ten times a year, and the ACLU's 96-page annual report on civil liberties in the U. S.

See over for complete list of ACLU Board and National Committee

If you are already a member you will understand that list duplication is sometimes inevitable. You could help the Union most by using this letter and enclosure to persuade a friend to join.

The New York Times

"The A.C.L.U. . . . has been indispensable in investigating violations of civil liberties, in publicizing them and in working through the channels of public opinion and of the law to see that our constitutional principles as expressed in the Bill of Rights remain a living force . . ."

The Washington Post

"If the American Bill of Rights has served to keep this country's constitutional structure secure in the troubled decades since the First World War, a substantial share of the credit belongs to the American Civil Liberties Union."

THE CHRISTIAN SCIENCE MONITOR

" 'I do not agree with a word you say,' said Voltaire, 'but will defend to the death your right to say it.' It would be hard to find a more searching test of the genuineness of democratic sentiments than is implicit in this famous dictum. And it would be equally hard to find an organization that subjects itself to this test more often and more willingly than does the American Civil Liberties Union . . ."

ST. LOUIS POST-DISPATCH

"The ACLU has established its fearlessly independent reputation, and particularly its freedom from Communist control, by . . . years of evenhanded defense of a principle—the freedom of principle of the Bill of Rights . . ."

San Francisco Chronicle

"Both locally and nationally, the ACLU has functioned effectively for the preservation of the Bill of Rights. That is its only function. In defending the rights of those who happen to be in danger of having them violated or denied, the ACLU defends the rights of all Americans . . ."

CHICAGO DAILY NEWS

"Inevitably, many of the causes the American Civil Liberties Union has championed have been unpopular. The fighter for free and untrammeled speech must defend some unsavory characters who abuse their liberty. It follows that many sincere lovers of freedom have at times found themselves at odds with ACLU policy. The alternative, however, is infinitely worse, and the ACLU has earned a welcome from all who cherish the idea of a government of laws under which all men enjoy equal privileges."

Bergen Evening Record

Hackensack, N. J.

"If the battle for democracy in the United States is ever lost it will be lost, in a manner of speaking, over the dead body of the American Civil Liberties Union . . ."

During the 43 years of its existence the American Civil Liberties Union has played a significant role in defending our basic democratic freedoms. Your voice has always been raised clearly and sharply when our liberties have been threatened. America is a stronger nation for your uncompromising efforts.

— JOHN F. KENNEDY

During the span of years covered by your organization, the American people have given increased attention to progress in the field of civil rights. . . . It is good to be reminded that the members of the American Civil Liberties Union and the overwhelming majority of my fellow citizens are working together in this field with steadfast vigor and understanding.

— DWIGHT D. EISENHOWER

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you have an interest in civil liberties!

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AMERICAN CIVIL LIBERTIES UNION

The ACLU is the only permanent national non-partisan organization devoted solely to defending the Bill of Rights for *everybody*. The Union fights for the civil liberties even of those whose anti-democratic opinions it abhors. But the ACLU bars from its governing councils all adherents of all totalitarian doctrines.

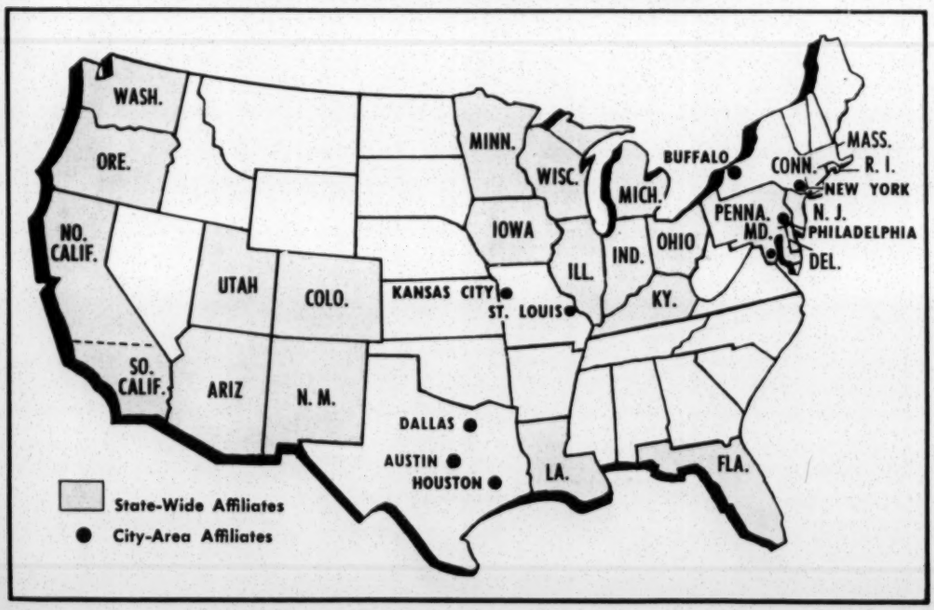
Today the ACLU with its Board and National Committee of leaders in every field, its thirty-three state and city affiliates (and their many chapters), its corps of volunteer lawyers, and its experienced staff, is engaged primarily on four fronts. YOU have a stake in the American Civil Liberties Union's fight in these four areas, among others:

- AGAINST those federal, state and local measures which, though aimed at non-conformists, threaten the civil liberties of all Americans.
- TO PROMOTE fair procedures in court trials, congressional and administrative hearings.
- AGAINST both governmental and private pressure group censorship of movies, plays, books, newspapers, magazines, radio, and television.
- TO ELIMINATE second-class citizenship for Negroes, Puerto Ricans, American Indians and other minorities.

The ACLU needs and welcomes the support of all those—and only those—whose devotion to civil liberties is not qualified by adherence to Communist, Fascist, KKK, or other totalitarian doctrine.

YOU ARE NEEDED TOO—as a member of the ACLU. The Union depends on its nearly 70,000 members (enrollment has doubled in the past six years) for its entire support. To meet the challenge of the times, we need 10,000 new members this year.

The ACLU's Thirty-three State and City Affiliates



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Members listed above receive the Union's 96-page Annual Report on U.S. liberties and the monthly paper *Civil Liberties*. They are also entitled to single copies of some 30 other publications without charge. A weekly bulletin, the main content of which is largely duplicated by *Civil Liberties*, is available on request to members contributing $10 or more. Associate Members, at $3, receive *Civil Liberties* and the Annual Report.

By joining the national ACLU, you will join the affiliate in your area, and the larger your check the more it will receive. (Except in Northern California. where the affilitate maintains its membership separately. However, the national ACLU also welcomes support from members in Northern California.)

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USE THE FORM BELOW to become a $10 member, if possible, but JOIN — with whatever you can afford. You will be affiliating yourself with an important organization, and you will have a part in keeping America a home of freedom.

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Please enroll me as a NEW MEMBER of the ACLU. Here is my $ ..... membership contribution, 50¢ of which is for a one-year subscription to *Civil Liberties*.

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TWENTY QUESTIONS ON CIVIL LIBERTIES . . .

You believe in the Constitution and the Bill of Rights—but how do *you* feel they should be interpreted today, in times of domestic complexity and world tension? Short summaries like those below cannot include the many necessary qualifications, but your answers should tell you where you stand on some representative American Civil Liberties Union policies (which were not all adopted unanimously by the ACLU Board —it seldom agrees 100% on any question).

To check whether you and the ACLU agree on the statements below, put a circle around Y (for YES) if you agree; if you do not agree, circle N (for NO).

1. Any private individual should have the right to criticize any government or government official anywhere in the world. ..... **Y N**

2. Congressional investigations into "un-American activities" are essential to our nation's security. ..... **Y N**

3. Segregation in public schools violates the equal protection of the laws guaranteed to all Americans by the Constitution. ..... **Y N**

4. A trade union member should be permitted to advocate "right-to-work" laws without jeopardizing his union membership. ..... **Y N**

5. Belonging to the Communist Party should be punishable by fine or imprisonment. ..... **Y N**

6. Everyone who invokes the privilege against self-incrimination must be guilty as suspected. **Y N**

7. Religious exercises, such as the Lord's Prayer and Bible reading, should be barred from public schools. ..... **Y N**

8. Books like "Tropic of Cancer" should be banned from newsstands and libraries. ..... **Y N**

9. States' rights clauses in the Constitution justify efforts by certain states to prevent Negroes from voting. ..... **Y N**

10. Communist leader Benjamin Davis and Birch Society head Robert Welch are both entitled to make public speeches. ..... **Y N**

11. Movies, books and plays presenting an offensive characterization of a particular racial or religious group should be suppressed. ..... **Y N**

12. Everyone should have the right to leave any country, including his own, and to return to his country. ..... **Y N**

13. In their war against crime policemen are entitled to listen in on private phone conversations. ..... **Y N**

14. Parochial school pupils are entitled to free bus service, paid for from public funds. ..... **Y N**

15. Laws against the use and sale of birth control devices violate rights of privacy guaranteed by the U. S. Constitution. ..... **Y N**

16. Those accused as security risks under the federal security program should have the right to confront and cross-examine their accusers. **Y N**

17. Students receiving financial aid from the government should be required to swear that they are not members of the Communist Party. ..... **Y N**

18. Racial discrimination in housing, public and private, should be prohibited by law. ..... **Y N**

19. Police are entitled to hold and interrogate arrested persons as long as 24 hours before arraigning them in front of a magistrate. ..... **Y N**

20. To "emancipate the American Indian," reservations should be closed and federal services terminated—regardless of the tribes' wishes. **Y N**

CHECK YOUR SCORE AFTER YOU ANSWER ALL TWENTY QUESTIONS

In the ACLU's opinion, you get 5 POINTS each for answering YES to numbers 1, 3, 4, 7, 10, 12, 15, 16 and 18; and 5 POINTS each for answering NO to numbers 2, 5, 6, 8, 9, 11, 13, 14, 17, 19 and 20.

IF YOU SCORE 75 OR MORE, then you agree substantially with the ACLU, and are a *member in spirit*. Put your belief in civil liberties to work by joining the one national organization which fights—52 weeks a year—for the liberties you cherish. Use the membership blank on the other side.

WHATEVER YOUR SCORE, SEE OVER . . .

SAVE THIS QUIZ
TRY IT ON YOUR FRIENDS

"The American Civil Liberties Union [is a] useful and thoroughly patriotic organization . . . To equate patriotism with conformity, orthodoxy, and name-calling is dangerous nonsense; and this cannot be pointed out too often."

—*The New York Times*

" 'I do not agree with a word you say,' said Voltaire, 'but will defend to the death your right to say it.' It would be hard to find a more searching test of the genuineness of democratic sentiments than is implicit in this famous dictum. And it would be equally hard to find an organization that subjects itself to this test more often and more willingly than does the American Civil Liberties Union."

—*The Christian Science Monitor*

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See: Amer. Civil Liberties Union

January 2, 1964

Mr. John de J. Pemberton, Jr.
Executive Director
American Civil Liberties Union
156 Fifth Avebue
New York 10, New York

Dear Jack:

I must apologize for being so slow in answering your letter of November 14. If I had had any good news to send you I would have written more quickly.

The fact is that contributors to the Southern Regional Council are chiefly the foundations. We do get some individual contributions, but we have not, for some time, solicited individual contributors in order not to compete with the funds solicited by the Councils on Human Relations. Moreover, Louisiana is the only state in which there is not a council on human relations. (The state council in Texas exists only on paper; there is, however, a flourishing local council in Houston.) So, there is not much help that we can be for suggesting Louisiana contributors to the Louisiana ACLU.

If I missed answering your questions, please let me know. I suppose it might be possible, if you wanted them, to get the

contributors lists of the other state councils. I don't think you would get much from them, however, because the state councils largely exist on two sources of income; viz., membership dues and a little help from us.

I want to congratulate you on the statement which the ACLU got out some time ago, "How Americans Protest." I thought it was awfully good, and deserving of widespread and enduring reading. It's pretty hard to get immeiiate attention these days for public statements; we, as a matter of fact, put out one ourselves on December 30, and I am dubious that it will cause much ripple. But yours was good quality, and your piece about the handling of Oswald made me proud to be an ACLU member.

Happy New Year, and all good wishes.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj

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Melvin L. Wulf, *Legal Director*
Roger N. Baldwin, *International Work Adviser*
Leanne Golden, *Executive Assistant*
Louise C. Floyd, *Administrative Assistant*
Colleen Katzowitz, *Membership Secretary*
Aryeh Neier, *Field Development Officer*

November 14, 1963

Dr. Leslie W. Dunbar, Executive Director
Southern Regional Council
5 Forsyth Street N. W.
Atlanta 3, Georgia

Dear Les:

I am writing to inquire whether and on what basis we might make a general solicitation of contributors to the Southern Regional Council. Not only the Georgia effort, but the Florida and Louisiana affiliates of ACLU are making such progress as to encourage us to give greater effort and attention to membership and affiliate development in the area of our greatest weakness -- the southeastern states.

It is particularly at the instance of our Louisiana affiliate that I make the present request. I have just returned from a visit to New Orleans and to their annual meeting, inspired by the energy and vitality of their effort. Althoughthey are one of our smallest affiliates, their legal committee, an integrated group of some 20, mostly very young lawyers, is carrying a staggering work load. Their greatest boast is that the state's electric chair has had a two-year rest. While many of their almost 40 pending cases involve relatively obscure individuals, they have also been active in the hotel segregation law suit, in the James Baldwin Another Country censorship, in the admission of a Nigerian student to L. S. U. (NO). Even one of the many famous Rockwell cases was theirs.

But their membership is very slim and their finances are entirely committed to this heavy docket of litigation (expenses only, of course, no attorneys' fees). And at this point we all feel that an effective membership promotion in Louisiana, if it could substantially enlarge their membership, would make a material difference in attracting the open support of many prominent people who now give the affiliate only grudging and silent respect.

Needless to say, we are entirely ready to entertain any reciprocal proposal.

With all good wishes.

Very sincerely yours,

Jack

John de J. Pemberton, Jr.
Executive Director

JdeJP'sk

Washington Office — 1101 Vermont Avenue, N.W., Washington 5, D.C.; Lawrence Speiser, *Director*; Julie N. Barrows, *Executive Assistant*
With organized affiliates in twenty-seven states and 800 cooperating attorneys in 300 cities of 48 states

448

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

January 2, 1964

To: The Board

From: Melvin L. Wulf

Subj: Capital Punishment

The Due Process Committee, having devoted several meetings to the question of capital punishment, has no concrete recommendation to offer the Board. It asks, however, that the Board itself consider Professor Dorsen's memorandum and the results of the Committee poll (set out below) to determine whether the Union should modify its present position in any way. The Dorsen memorandum is enclosed. The poll:

(1) Should the Union take a position against capital punishment?
Vote: 3 affirmative, 3 negative.

(2) Should the Union, based on its policy statement, attempt to secure legislative repeal of laws authorizing the death penalty?
Vote: 5 affirmative, 2 negative.

(3) Should the Union raise the question judicially whether capital punishment is unconstitutional, either under the cruel and unusual punishment clause or the due process clause?
Vote: 2 affirmative, 5 negative.

(4) Should the Union, through its national office and its affiliates, enter litigation to raise all possible constitutional questions (other than the invalidity of capital punishment):
a. On behalf of persons sentenced to death after trial?
Vote: 5 affirmative, 1 negative.

b. On behalf of persons indicted for a capital offense, at the discretion of affiliates and subject to manpower limitations?
Vote: 4 affirmative, 2 negative.

(5) Should the Union take the position that capital punishment is unconstitutional, either under the cruel and unusual punishment clause, or the due process clause, where the death penalty is imposed for a crime where a life is neither taken nor threatened.
/See Rudolph v. Alabama, 32 U.S.L. Week 3154./
Vote: 4 affirmative, 1 negative, 1 don't know, 1 affirmative as to the affiliates (but negative as to the national).

File

Pulle Amer. Civil Liberties Union

Please reply directly to JDJP

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

April 2, 1964

PROPOSED ACLU SOUTHERN CONFERENCE

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An important element of the discussion on the ACLU "tomorrow" will be how the organization can be more effective in advancing the cause of civil liberties in the South.

Before going to the Biennial Conference, the ACLU national staff is anxious to secure the thinking and advice of those with first-hand experience in dealing with civil liberties problems in the South. To this end, we have in mind holding a small (30 to 35 persons) southern conference on a week-end in May (for which, we confess, we have no funds for travel expenses).

However, before asking anyone to take the time, or go to the expense and trouble, to attend such a conference (which would be held in Atlanta) we are hereby soliciting your initial reactions by mail.

The circumstances of the ACLU in the South at present are, briefly, as follows:

1. For some years, we have had affiliates in two Deep South states, Florida and Louisiana. The legal panels of these two affiliates have undertaken staggering caseloads and performed magnificent work for civil liberties in the South. Recently, Florida became the first affiliate in the South to open an office and hire a full-time Executive Secretary.

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We have no hope of establishing affiliates in Alabama or Mississippi in the forseeable future. Some interest has been shown in Arkansas, South Carolina and Tennessee but affiliation is not imminent.

BEST COPY AVAILABLE

If our proposed conference in May is held, we will review our work in the South today. For the present, we would like to solicit your thinking on our work in the South tomorrow. We hope you will address yourself to questions of substance, structure and organization.

I. QUESTIONS OF SUBSTANCE

a) Should any effort to step up ACLU defense of civil liberties in the South be considered primarily as supportive of the civil rights movement?

b) Conversely, should we limit ourselves to areas that are not in the mainstream of the civil rights movement? Of course, we recognize that an overwhelming number of civil liberties problems in the South are connected to the struggle for equal rights.

For example, the current threat to the charter of the Tougaloo College by the Mississippi legislature was clearly inspired by the activity of Tougaloo and its students on behalf of integration. Nevertheless, the defense of Tougaloo would not be within the mainstream of the civil rights movement. It should be (and is) a matter of ACLU concern -- aside from its civil rights overtones -- given our historic concern for academic freedom.

Within the mainstream of the civil rights movement much work is being done by other organizations, even if this work is woefully inadequate to the magnitude of the existing problems. However, civil liberties problems that are not in the mainstream of the civil rights struggle are not being tackled by anyone. It may be that given the ACLU's limited resources, we would be most effective if we restricted our efforts to the areas in which we would be unique.

c) Or, should stepped-up ACLU activity in the South reflect the normal balance of ACLU work across the country? This "normal balance" might be exemplified by the work of the Maryland affiliate. Reverend Irving Murray, chairman of the affiliate, recently described its current work, in a report to the national Board of Directors as including:

1. Legislative work resulting in the passage of the state's first civil marriage laws.

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II. QUESTIONS OF STRUCTURE

What organizational form should be used to step up ACLU work in the South? Such suggestions as hiring an additional lawyer to work out of the national office, with heavy concentration on southern problems; aiding existing southern affiliates; organizing new affiliates; or establishing a southern regional office have been suggested.

To open a regional office staffed by a top-notch professional, and a secretary-assistant would cost an estimated $30,000 per year and this would not be the full extent of the cost to the Union. Any increase of ACLU activity in the South would require additional strength in the national office -- which is already understaffed. While the $30,000 is not in hand, it is not unreasonable to believe that new sources could be reached to obtain funds for this purpose.

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In deciding on our organizational role in the South, certain questions arise as to what needs should be stressed.

a) Do we need a roving litigator entering major civil liberties cases in the South?

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d) Do we need to establish personal contacts with administrative and executive agencies of state and local governments and with local units of federal agencies?

e) Do we need special educational activity for civil liberties?

f) Should we strive for some combination of the above?

There are, of course, many other questions. We certainly hope that in responding to this memorandum, you will feel free to offer your thoughts on any other matters that may be relevant.

And, of course, since we are contemplating a conference on these questions in May, we look forward to hearing from you at your earliest convenience.

BEST COPY AVAILABLE

April 6, 1964

The April meeting of the Board of Directors of the American Civil Liberties Union of Georgia was held on April 6 at the home of Eleanor Richardson. Present were E. Ladd, H.Steinmetz, P. Morris, E. Richardson. The following had notified that they could not be present: Dunbar, Pauley, Bacote, Cohn, Glustrom. It was known by those present that Hollowell and Stanford were conducting other meetings at the same time.

The minutes of the March board meeting were approved as distributed. E. Ladd explained that a letter to the Atlanta Public Library had been sent requesting use of a room for April board meeting. A reply was received with forms to fill out. E. Ladd felt the purposes as so outlined were fair and just and all meetings open to public and related to library activities. He so responded to the library.

Emily Binkley's report was submitted concerning the annual meeting to be held April 22 at the YWCA, Edgewood Street, Atlanta, 8-10 P.M., first floor lounge. F. Pauley and L. Dunbar are in charge of the program. P. Morris will send out second notice with more details and report of nominating committee.

E. Ladd read a letter from J. Pemberton, National ACLU with an enclosed letter from H. Zinn. It was moved and passed to put this matter on the agenda of a future board meeting.

E. Ladd announced that Barbara Barnum had agreed to do the Newsletter.

E. Ladd also read a form letter from J. Pemberton concerning the possible meeting in Atlanta in May of representatives from southern ACLU groups. Mr. Pemberton had submitted a series of questions concerning work in the south. E. Ladd will answer this as well as send copies of the questions to each board member and asking them to write directly to Mr. Pemberton any views they may have on said questions. A copy will also be sent to H. Gibert, Chairman of the Lawyers' Committee.

E. Ladd asked that as a standing procedure the Chairmen of the Lawyers' Committee, the Membership Committee, and the Newsletter be invited to all board meetings and that copies of the minutes be sent to them. E. Richardson moved this be done, Morris seconded and motion passed.

H. Gibert had submitted the rules adopted by the Lawyers' Committees for their work.

P. Morris reported that R.Cohn was working out procedure with National concerning a $100 gift given for the legal defense of the Peace Walkers in Georgia.

Respectfully submitted,

Eleanor Richardson, Secretary

File
Amer. Civil Liberties Union

April 21, 1964

Mr. John de J. Pemberton, Jr.
Executive Director
American Civil Liberties Union
156 Fifth Avenue
New York 10, New York

Dear Jack:

Thank you for your letter of April 3. I am very glad to hear about the proposed southern conference, and I hope it will come at a time when I can attend. Bless you, why do you have to do these things on weekends?

I think the answers to "c" and "e" on your third page are both "yes," and that these are two questions which seem to me of first importance.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj
bc: Mr. Edward Ladd, Emory Univ.

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William L. White (Kans.)
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Marion A. Wright (N.C.)
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American Civil Liberties Union

Founded 1920
Incorporated

156 FIFTH AVENUE, NEW YORK 10, N. Y. • ORegon 5-5990

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Roger N. Baldwin, *International Work Adviser*
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Colleen Katzowitz, *Membership Secretary*
Aryeh Neier, *Field Development Officer*

April 3, 1964

Mr. Leslie Dunbar, Director
Southern Regional Council
5 Forsyth Street, N.W.
Atlanta 3, Georgia

Dear Les:

As the civil-rights-civil liberties pressures mount in the South, the ACLU's national staff has discussed what additional role the Union can serve to advance our special interest. Many things have been done, primarily through our local affiliates in the South, but we are eager to place this entire question into sharper focus, particularly as this problem will be thoroughly discussed at our forthcoming Biennial Conference.

Toward this end we have prepared the enclosed memorandum which is being circulated among ACLU affiliates, our state correspondents and a small list of southerners who, we believe, can offer special advice on the organizational questions we raise. We would very much appreciate your reaction to the questions we pose, and invite you to participate in the proposed Atlanta meeting. Unfortunately, because of the Union's limited budget we cannot pay expenses to participants, but we hope this difficulty would not deter you from attending, if the consensus is that such a conference should be held.

Thank you for your cooperation in this matter.

Sincerely yours,

Jack

John de J. Pemberton, Jr.
Executive Director

JdeJP:rcb

Washington Office — 1101 Vermont Avenue, N.W., Washington 5, D.C.; Lawrence Speiser, *Director;* Julie N. Barrows, *Executive Assistant*
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AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

April 2, 1964

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File

AMERICAN CIVIL LIBERTIES UNION of GEORGIA

Officers and Board of Directors - April 1964 - April 1965

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1st Vice-President:	Donald L. Hollowell 2840 Dale Creek Drive, N.W., Atlanta, 30318
2nd Vice-President:	Sylvan Meyer Gainesville, Georgia
Secretary:	Mrs. M. E. Richardson 755 Park Lane, Decatur, Georgia
Corresponding Secretary:	Mrs. John B. Morris 4655 Jett Road, N.W., Atlanta, 30327
Treasurer:	Robert Cohn 3037 Mornington Drive, N.W., Atlanta, 30305

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Harry Steinmetz (1965)
855 Fair Street, Atlanta, 30314

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Newsletter:	Mrs. David Barnum 2308 Springside Lane, Decatur, Georgia
Lawyers' Committee:	Hugh Gibert 75 Forsyth Street, N.W., Atlanta, 30303
Membership:	Mrs. Neil C. Moran 1802 East Clifton Road, N.E., Atlanta, 30307

May 11, 1964

The May board meeting of the American Civil Liberties Union of Georgia was held May 11 at the home of the President, Edward Ladd. The following members were present: Broiles, Hocking, Glustrom, Bacote, Steinmetz, Morris, Ladd, Richardson, Cohn, Hollowell, with H. Gibert, Mrs. Moran and Mrs. Barnum present as chairmen of committees. Regrets had been sent by members Boaz, Lincoln, Maloof, Holloway.

The minutes of the April 6 were approved as distributed on motion passed after being made by J. Glustrom and seconded by P. Morris.

After considerable discussion on best methods to keep information flowing to and from the Board, the Board requested Mrs. Barnum as Chairman of the Newsletter to proceed with getting out the Newsletter once a month, including news notes on Civil Liberties' situations throughout Georgia, checking with established sources for the facts.

H. Steinmetz moved and J. Glustrom seconded a motion requesting R. Cohn to draw up a statement for the approval of the officers expressing the position in conformity with National ACLU on state directed religious exercises in the public schools and for the officers to disseminate the information as they see fit. Motion was adopted.

It was moved by E. Richardson and seconded by H. Steinmetz that a committee on church and state relations be appointed with direction to be concerned immediately with religious observances in the schools with particular attention to the Bicker amendment now before Congress. The following were to be asked to serve on this committee: Reverend G. Murray Branch, Chairman; Dr. James Jordan, Reverend Jim T. Pickens, Reverend Eugene Pickett, R. Cohn, Rabbi Rothschild, William Shields, an Emory theology student (the last three, if they were found to be members). H. Steinmetz was to contact Reverend Branch. Motion was adopted.

There was discussion and questions asked to and answered by D. Hollowell on the school desegration cases. It was felt that the ACLU could not add anything to this area at this time. The particular case of the DeKalb schools was put on the agenda to discuss at the September ACLU board meeting.

There was also considerable discussion on communication routes to and from the board and the Lawyers' Committee. Suggestions will continue to be made from the board to the Lawyers' Committees, sometimes from requests made to them, and the Lawyers' Committee will recommend cases to the Board which they feel have Civil Liberties issues involved and the board will then so direct what action they wish Committee to take. Initiative rests with the Committee, the go-ahead comes from the Board.

R. Hocking moved and D. Hollowell seconded the motion that the Board express its appreciation of the work of the Lawyers' Committee and request said committee to solicit recommendation from its members at its next meeting on the Tolg case and future cases afterwards. Motion passed.

It was decided to hold no further board meetings until September 16th but that members and officers were to contact D. Hollowell if necessary throughout the summer for any needed action.

It was moved by D. Hollowell and seconded by P. Morris that the Committee of lawyers be authorized to enter into the Tolg case with the approval of the majority of the officers who are within the State of Georgia at the time action may be needed. Motion was passed.

BEST COPY AVAILABLE

Mention was made of the Southeastern Regional meeting to be held in Atlanta weekend of May 15th, with Atlanta providing homes for two from each chapter in the region. Discussion will center on role of ACLU in the South and how National can best help the chapters in the region.

It was moved by D. Hollowell and seconded by P. Morris that if the cost to us does not exceed $100, a member of the Board of another member approved by the officers attend the National Biennial Convention in Boulder, Colorado, June 21-24. Motion was passed.

Action on the how-to of getting out the Newsletter was postponed until September as was the implementation of procedures for a state-wide ACLU operation.

The Newsletter was asked to have H. Bullard write a paragraph for June issue on use of Speakers' Bureau.

C. Moran emphasized the need for a Legislative Committee both for work needed now during Special Session of the Legislature and for the future. R. Hocking moved, and D. Hollowell seconded a motion asking C. Moran, E. Richardson, H. Gibert, R. Cohn, D. Comer to serve as a committee to consider matters before the current session of the Legislature and take action with approval of the officers. Motion was passed.

H. Gibert will write a piece for the June Newsletter re the question raised at Annual meeting on possible contempt charges being made against one at election time.

Meeting was adjourned at 11 P.M.

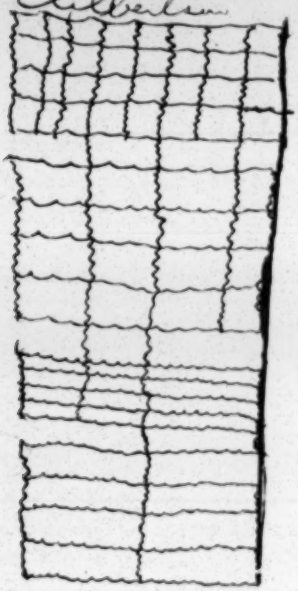
Respectfully submitted,

Eleanor L. Richardson

Eleanor L. Richardson, Secretary

Ann Tollett

Tamburlaine
Culbertson



AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

May 18, 1964

TO: The Church-State Committee

FROM: The Office

RE: Shared Time

You will be interested in the following article from the Chicago Sun-Times of Friday, April 24, 1964.

Shared-Time School Plan
Approved by Board 7-3

by Ruth Dunbar

The Chicago Board of Education Thursday voted 7 to 3 to approve a four year experimental shared-time program to go into effect in September, 1965.

Voting against the proposal were board members Raymond W. Pasnick, Bernard S. Friedman and Warren H. Bacon. They questioned the way the proposal was handled.

In favor with votes of "yes" were Clair M. Roddewig, board president; Mrs. Wendell E. Green, Cyrus Hall Adams III, Mrs. Lydon Wild, Edward Scheffler, Thomas J. Murray and Frank M. Whiston.

The plan would permit some Roman Catholic students to divide their class day between the new Kinzie High School at 5625 S. Mobile and the new St. Paul High to be built a few blocks away.

The plan was put into effect with a resolution drafted by Roddewig.

Welcome Court Test

In reference to a court test of shared time, the resolution reads in part:

"The board will welcome the filing of a test case . . . and in the event such a test case is filed, it will be the policy of the board of Education to promptly respond. . . .

"(The board) will co-operate to the maximum extent for an early hearing, disposition and determination of any issues raised in such a test case."

Under Board Control

The resolution also provides that:

1. Students enrolled part-time at Kinzie High School will be under the "exclusive supervision and control of this Board of Education and its general superintendent."

2. No student will be accepted for enrollment at Kinzie except on written request of a parent or legal guardian.

(Roddewig made the point that this constitutes an agreement between the

board and parents but not with the Roman Catholic school system.)

3. Willis shall request that various private schools in the city having students residing in the Kinzie attendance area to co-operate in the experiment.

4. On or about Aug. 1 Willis shall present to the board recommended rules and regulations applicable to the part-time students enrolled under the plan.

5. Willis shall periodically evaluate the program.

6. The program would be discontinued if his reports show the program to be detrimental to the public school system.

Number Unknown

Also, the resolution stated, the involvement of private schools in the program would help the board determine "whether shared time is in the best interest of Chicago students and the public school system."

Before the board meeting, Roddewig said he did not know how many students of private high schools live in the Kinzie attendance area.

Presumably there are some attending the University of Chicago Laboratory School, the Francis W. Parker School and Lutheran schools.

Students at these schools, if their parents desire, could split class time between private institutions and the Kinzie school as the Roman Catholic students would.

Excerpt from 44th Annual Report on Shared Time Plan in Chicago

...the Union's Illinois Division vigorously and effectively urged the Chicago Board of Education to delay implementing an extremely sketchy proposal that called for a five-year experimental "shared time" program between the city's new Kinzie High School and a new parochial school nearby, to begin in September 1964. When two official legal opinions were then obtained by the board approving the proposal, the affiliate analyzed them in a detailed public statement which illuminated conspicuous defects in the legal citations and reasoning of the opinions. Thereafter, the board, by a 7-3 vote, approved a resolution authorizing a four-year experiment, to begin in September 1965. In addition, the board added several safeguards omitted from the original proposal.

File:

AMERICAN CIVIL LIBERTIES UNION

156 FIFTH AVENUE

NEW YORK, NEW YORK 10010

WB ✓
V J ✓
P A ✓
B P ✓
E S ✓
M J - file

May 28, 1964

To: Participants in ACLU Southern Conference of May 16, 1964

From: Alan Reitman

Enclosed you will find the report on the discussion and recommendations made by the conference. We would appreciate any comments or reactions you care to make, hopefully within the next two weeks so that they will be available for discussion at our Biennial Conference on June 21-24.

We did hope to write personally to all of the participants to express again our appreciation for their contribution to our discussion, but the pressures of work requires this mimeographed form letter. This does not diminish our gratitude for the time you gave to the conference which we hope will point the way to increased and effective ACLU work in the South.

REPORT of
SOUTHERN CONFERENCE OF THE AMERICAN CIVIL LIBERTIES UNION,
Held at
EMORY UNIVERSITY, ATLANTA, GEORGIA, ON MAY 16, 1964

* * * * * * * * *

Background

Because of the great civil liberties challenges in the South the national ACLU convened on May 16 a southern conference in Atlanta, Georgia for the purpose of determining whether ACLU activity in that region should be increased; and if so, how such enlarged activity should be carried out. These questions were especially relevant because the Union's role in the civil rights revolution will be one of the major topics of discussion at the Biennial Conference in Boulder, June 21-24, and it was felt that a southern conference would help to sharpen the Biennial Conference debate.

Twenty-one persons attended the conference representing ACLU affiliates, state correspondents, cooperating attorneys, other organizational executives and members of the national staff. The complete list and their representation follows:

Samuel Houston Clinton (Central Texas Affiliate)
Howard W. Dixon (Florida Civil Liberties Union)
Leonard Dreyfus (Louisiana Civil Liberties Union)
Hugh Gibert (ACLU of Georgia)
Donald Hollowell (ACLU of Georgia)
Steve Jones (Florida Civil Liberties Union)
Edward Ladd (ACLU of Georgia)
Wilfred Myll(Kentucky Civil Liberties Union)
Irving Murray (Maryland Branch, ACLU)
Mrs. Ruth Arnold (Arkansas State Correspondent)
John Bolt Culbertson (South Carolina State Correspondent)
LeRoy Ellis (Tennessee State Correspondent)
James Mattocks (North Carolina State Correspondent)
Clifford Durr (Cooperating Attorney)
Ira Kaye (Cooperating Attorney)
Charles Morgan, Jr. (Cooperating Attorney)
Leslie Dunbar (Executive Director, Southern Regional Council),
Marion Wright (National Committee, ACLU)
Aryeh Neier (National Staff, ACLU)
Alan Reitman (National Staff, ACLU)
Mel Wulf (National Staff, ACLU)

A memorandum describing the problem and raising certain organizational questions had been previously circulated.

The discussion was divided into two parts. The first consisted of reports from the participants as to the civil liberties work now being conducted in their area, in order to provide a background against which evaluation of the problem and the Union's role could be made. The second was devoted to consideration of specific proposals for development of the Union's work and the direction it should take, the structure that should be established and the operations to be carried out under it.

Reports of ACLU Affiliate Work

The reports reflected the variety of both civil liberties problems and the approaches taken to deal with them in the South. For example, representatives of the Maryland, Georgia and Kentucky affiliates emphasized the importance of working in all of the traditional ACLU areas, free speech-association, due process and equality rather than focussing entirely on the civil rights movement or particular problems arising out of this movement. Reverend Murray, speaking for the Maryland affiliate which has undertaken the defense of some 2,600 civil rights demonstrators, thought that the affiliate had been effective in working for civil rights precisely because it also defended the rights of segregationists.

He pointed out that because the community had come to recognize ACLU's concern with the rights of all, the affiliate was able to establish relations with police officials, for example General Gelston, commander of the Maryland National Guard assigned to maintain order in Cambridge and other eastern shore communities, a connection which helped the affiliate promote its civil rights objectives. As another example of the value of comprehensive defense of civil liberties, Reverend Murray pointed to the close ties that the Maryland affiliate had established with several members of its state legislature. By meeting and talking with state legislators on bills affecting civil liberties, the group is now at the point where it can concern itself not only with opposing bad legislation, but securing the introduction and passage of legislation favorable to civil liberties.

Mr. Ladd supported the approach used by the Maryland CLU. He noted that in the early months of its existence, the Georgia affiliate had defended the rights of both "The Peacewalkers" and the Klu Klux Klan, emphasizing that this helped to create a public image which, in many instances, could make the ACLU more effective in civil rights work than even the primary civil rights organizations.

The discussion made clear that not every affiliate in the South could carry on such a broad program or adopt procedures used by another affiliate for implementing its program. For example, whereas the Maryland affiliate hired a law student at $20 a week to weed out the requests for assistance made by prisoners who claimed their civil liberties had been violated (including interviews where indicated), after which the promising cases were turned over to an attorney on their legal panel, neither Louisiana or Florida state law allow a law student to interview prisoners. Mr. Gibert of the Georgia affiliate, Mr. Dreyfus of the Louisiana affiliate, and Mr. Jones of the Florida affiliate, all indicated that the volume of prison mail received was so tremendous that they had not been able to fashion an acceptable technique for dealing with it. Mr. Dreyfus commented that unlike Maryland's experience which found that only a very few prisoner cases raised valid civil liberties questions, the Louisiana CLU discovered significant civil liberties issues in the prison mail it received. This is true because of two fundamental problems in Louisiana: One, problems arising out of application of the Gideon decision (requiring appointment of counsel in felony cases for indigents) and two, systematic exclusion of Negroes from juries.

Mr. Dreyfus noted that most of the 30 active cases now being handled by the Louisiana CLU were prisoner cases -- eight of them involving prisoners on death row.

A further illustration of the diversity of problems and approaches was the discussion surrounding the question of whether litigative, educational or legislative action should be emphasized. Mr. Clinton, speaking for the Central Texas affiliate, declared that his group's emphasis was on state legislation, a natural emphasis because the affiliate is located in Austin, the state capital; although Mr. Clinton acknowledged that the group was engaged in litigation, its present case being a suit to desegregate dormitories at the University of Texas.

Reports from Non-ACLU Organized Areas

The conference also received reports from participants in non-ACLU organized areas. Ira Kaye painted a particularly negative picture of South Carolina. He said that the Supreme Court's Gideon decision upholding indigents' right to counsel in non-capital cases practically had no impact at all in the state where felony cases were concerned. Bail was set on a discriminatory basis and death sentences were imposed only on Negroes and not on whites. As evidence of the deep church-state problems in the state, Mr. Kaye noted that children attending public schools were being used to sign petitions urging congressional approval of the Becker Amendment.

Mrs. Arnold reported that the climate was favorable for development of ACLU organization in Arkansas and suggested the interesting organizational technique of first developing a group of lawyers who, under the ACLU banner, would handle several cases. She felt that the publicity arising out of such cases would help to educate the community as to civil liberties and lead to development of an actual ACLU affiliate. Mr. Mattocks, commenting on the North Carolina situation, declared that lawyers would be available to work with the ACLU and it was his hope that following the Biennial Conference he might meet with Mr Wright to start work on forming an ACLU affiliate.

Mr. Ellis noted that Tennessee was different from other states in that its geographical structure created different attitudes towards civil rights in different parts of the state. For example, east Tennessee is almost entirely white, so the issue is not a paramount one there; Nashville has a much better race relations climate than the deep South as shown by the fact that in a city council of 28 members five were Negroes; whereas Memphis, in the southwestern corner of the state, and close to Mississippi, bears a greater resemblance to the problems of the deep South. Mr. Ellis expressed the view that with some organizational work a Tennessee affiliate could be established.

Mr. Durr described a contrary picture for Alabama. He spoke of the curtain of silence which hangs over the legal fraternity in Montgomery and the state and urged that the Union endeavor to have law schools, both north and south, incorporate in their curriculum courses and seminars on legal ethics. Such courses would be designed to educate prospective lawyers on their responsibility to defend civil rights defendants and other unpopular clients. Mr. Durr also spoke of the difficulty of getting information out to the public concerning civil rights suits, adding that since in his community the Montgomery Advertiser does report civil rights matters, he often brings cases challenging police brutality not with the hope of actually winning them, but for the purpose of informing the community of this particular violation of civil liberties.

Mr. Dunbar sketched the organizational work being done by other groups in the South, emphasizing especially the voter registration drive now under way. The drive was meeting with encouraging success, he said, noting the present estimate of 2 million Negroes registered to vote in the South, with 600,000 of these being added in the past six months. With respect to additional legal activity, Mr. Dunbar said that in the near future he thought such activity would come from three organizational sources: the NAACP's Legal Defense Fund which is establishing regional offices this summer in Jackson, Mississippi and Memphis, Tennessee; the President's Lawyers Committee for Civil Rights Under Law, established last summer by the White House as a way of trying to bring the legal profession more openly and actively into the civil rights struggle; and the recently organized Lawyers Constitutional Rights Committee, established with the help of the ACLU and several other national organizations.

Harrassment of Lawyers

In all of the reports the point was emphasized time and again that the ACLU should be most concerned with the harrassment of lawyers who, because of their courageous stand in handling civil rights cases, have suffered economic loss and other forms of pressure. Reference was made to these cases, many of which were previously known and on which the ACLU had taken action: (1) The original arrest of Ben Smith and Bruce Waltzer of the Louisiana CLU legal panel for alleged violation of the state anti-subversive law, a charge dismissed for lack of evidence, but which subsequently to their indictment by an Orleans Parish grand jury for violation of the state statute (their law offices were raided at the time of their arrest); (2) The criminal conviction used to pressure Bill Higgs to leave Mississippi; (3) The contempt citation against Tobias Simon, counsel for the Florida CLU, because of the refusal of a local judge to accept his explanation that he could not defend a civil rights demonstrator at the time the judge wanted to hold trial (the contempt citation was subsequently dismissed); (4) The attempt to expel Ira Kaye from the local bar association in Sumter, South Carolina because of his participation in a student segregation suit, the plaintiffs not being Negroes but a racially-mixed group called "Turks;" (5) The intense harrassment which forced Charles L. Morgan, Jr. to leave Birmingham because of his outspoken position on the civil rights revolution; and (6) The troubles of John Bolt Culbertson who reported that his pro-civil rights stand, particularly his support of Judge Waring's stand in the school desegregation cases in 1952, had lead to a decline in his political status and his law practice. (However, he noted that because of the recent increasingly heavy enrollment of Negroes on voting rosters in his state, he has found both his political status and his law practice on the rise again).

In addition to Mr. Simon's personal experience, Mr. Jones said the Florida CLU had learned of a conference of state subversive activities control boards that was scheduled for Florida and which might very well lead to increased efforts to harrass attorneys active on civil rights and civil liberties matters in the South. Several participants remarked that apart from the specific cases cited, harrassment of attorneys already had reduced the number of lawyers willing to take civil liberties cases. Mr. Dreyfus said that the Louisiana CLU legal panel of 12 members had been cut in half because of the fear of lawyers, following the arrest and subsequent indictment of Mr. Smith and Mr. Waltzer, that they might suffer similar reprisal.

Several of the lawyers present at the conference commented that the first call on the ACLU in the South was to provide legal protection for attorneys who come under attack because of their work for civil liberties. The view was expressed that unless the Union could provide this kind of assistance it would be almost impossible to recruit the cooperation of new attorneys, who are needed if progress in civil liberties is to be made in the South. Mr. Kaye commented that the Union should attempt to elevate the concept of legal freedom to the level that had been reached by academic freedom.

Direction of ACLU Work in the South

After agreeing that the ACLU should step up its work in the South, the conference discussed what the direction and substance of this work should be. The discussion centered on the three specific proposals made in the preliminary memorandum: a) work directly in support of the civil rights movement; b) limiting work to issues not in the mainstream of the civil rights movement, for example, academic freedom issues arising out of the dismissal of students engaged in race demonstrations and c) the traditional ACLU position of defending all facets of civil liberties -- free speech, association, assembly, etc.; due process; and equal treatment under law. The conference unanimously recommended that the Union's program in the South should cover the broad spectrum of ACLU interests as outlined in (c), not in direct support of the civil rights movement nor limiting work to problems not in the mainstream of the civil rights movement. The conference felt that to limit ACLU work in the South only to support of the civil rights movement would impair its effectiveness; and that if the ACLU ignored the other civil liberties issues, of which there are many in the South, what organization could be expected to work in these areas? The decision to focus on the ACLU's traditional approach to civil liberties defense by no means would exclude civil rights issues; indeed, because of the civil rights struggle civil rights cases would naturally arise which would require ACLU attention.

Structure of ACLU Work in the South

Turning to the question of structure, the conference discussed several approaches described in the preliminary memorandum: (a) Establishment of a regional office; (b) Emphasis on building new affiliates; (c) Providing aid to existing affiliates so their program could be strengthened; and (d) The addition of another lawyer to the national staff who would concentrate mainly on civil rights problems in the South. There was unanimous feeling that a regional office should be established, in Atlanta because of its central transportation and communications position. The regional office would be an arm of the national ACLU, such as the Washington office is in handling our legislative activity in Washington, D. C. Some concern was expressed that the regional office might act as a supervisory body over the activity of local affiliates, but it was noted that while consultation on cases and issues would naturally develop, local affiliates would be as free as now to decide their course of action in particular situations.

During the discussion it was proposed that because of the tremendous need in the deep South, particularly Alabama and Mississippi where legal assistance to the civil rights cause is sorely lacking, retainers should be paid to lawyers in especially hard-pressed areas. The conference recognized, of course, the traditional ACLU policy against payment for legal services, agreeing that this policy had allowed the Union to obtain the volunteer help of lawyers throughout the country and that

these attorneys might not be as willing to cooperate if, in fact, other lawyers were being paid. On the other hand, harrassment of cooperating attorneys (including the loss of income) was reducing civil liberties defense and certainly would increase, so that paying retainers might be the only way to keep these lawyers active and functioning in those areas where the problems are so great. The consensus of the conference was that creation of an ACLU regional office should be the first priority and that the retainer system proposal was something that might be reviewed in the future, but only after a regional office had been opened and was functioning.

Function of Regional Office

Although the conference heard comment expressed about the need for the Union to carry on educational activity in the South about civil liberties, there was general agreement that the person in charge of the regional office should be a lawyer and that its prime function should be litigative. The following resolution was recommended to the Biennial Conference:

> "The southern conference regards as a major need, the establishment of a regional office in the South, which would concern itself primarily with litigative work within the scope of the traditional ACLU activity. The function of this office is to facilitate and coordinate legal work in behalf of civil liberties in local communities; where such facilitation and coordination is not possible, the lawyer in charge of the regional office would directly participate in civil liberties litigation."

The conference agreed that if the lawyer had time left over it could be devoted to educational and organizational activity. It was also suggested that if the time came when it was possible to add to the staff of a regional office, the second professional should not be a litigative person but one who could play a behind-the-scenes role, working with governmental agencies and other institutions and in developing educational activity.

The conference unanimously recommended that when a regional office was established another southern conference should be called primarily for the purpose of helping in the recruitment of additional cooperating attorneys to work with such an office. Indeed it was suggested that it would be valuable to hold a conference or periodic conferences of all cooperating attorneys in the South after the regional office had been opened.

Financing of Regional Office

Mr. Reitman commented that preliminary estimates of the national ACLU indicate that the cost of establishing a regional office, covering rent, salary, secretarial expense, travel costs, etc., would be in the neighborhood of $30,000 per year for the office itself. It was stressed that to make the regional office

effective the national office would have to be strengthened.* At the moment the ACLU budget does not provide for such an amount and additional means of financing would have to be secured if the conference's recommendation was implemented. It was also mentioned that several ACLU affiliates might be willing to contribute to the funding of such an office because of their consciousness to the tremendous civil liberties problems in the South. In addition discussions have been held with the AFL-CIO Industrial Union Department which has expressed interest in the idea and the Union's plan for increased activity in the South. As an evidence of the southern conference's support for the recommendation made to the Biennial Conference, several affiliate representatives said they would discuss with their Boards the idea of a special contribution to start the southern regional office.

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* The consensus within the national office is that minimally we would have to add an assistant legal director. The estimated cost of such a person, including secretarial, travel and other expenses would be between $15,000 and $20,000 annually.

May 29, 1964

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

May 29, 1964

To: Affiliates and Board

From: Jack Pemberton

Proposed Policy Recommendation on the Issue of Shared Time

The Church-State Committee recommends to the affiliates and Board of Directors of ACLU that:

1. "Shared time" or "dual enrollment" programs, to permit private (including parochial) school students to enroll as part-time students in public schools and to satisfy the compulsory education requirements of their state through a combination of public and private school courses, do not inherently result in constitutional or civil liberties violations involving the principles of the First Amendment's guarantee of mutual independence between religion and government. At the same time, constitutional principles will not necessarily require that such part time programs be offered by all public schools or preclude a public school board from reasonably finding that it cannot offer its facilities to part-time students without impairment of its total educational program.

2. However, an infinite variety of features may be anticipated in proposals to institute such programs and in the circumstances of different school districts; in fact, wide variations may now be observed in the features of those programs already established or being tried experimentally. Here we endeavor to state some principles

that we believe to be essential to the constitutional validity of shared time programs. Of course, we cannot hope to catalog all of the potential circumstances in in which constitutional claim of entitlement to part-time participation in public school offerings or constitutional objection to particular shared time programs might legitimately be made. We believe that each situation and each program should be carefully weighed against the requirements of the First Amendment and individually judged in constitutional terms.

3. The most obvious of the principles essential to the validity of a shared time program is that its benefits to part time students must be offered on a non-discriminatory basis to all who reside within the public school district. A program offered to the students of the parochial schools of but one denomination (where there are others) will afford an unconstitutional aid to the one and will amount to an unconstitutional discrimination against others. As with all issues of discrimination this requirement must be met in substance as well as in form; but it does not preclude the establishment of reasonable classifications of students or reasonable entrance requirements. For instance, a public school might reasonably admit to part-time studies on a tuition-paying basis non-residents of its district who are students of a parochial school from which resident students are admitted to free part-time enrollment.

4. Also essential to validity is the requirement that control of the program be vested in public authorities. This requirement does not preclude cooperation between public and private (including parochial) school officers to insure that the offering of public school facilities is made with knowledge, for instance, of the needs of the private school students, of what events -- such as religious holidays -- will affect the attendance of students from each private school, and of what reporting of student performance will best serve the educational goals of the private school. (Spokesmen for religious groups, including parochial school officers, retain

the same right to petition public school authorities when shared time programs are being considered that they have always had and have frequently exercised with respect to all other public school programs.) But ascertaining the special needs of private school students must not imply a commitment that public schools can or will meet each of these needs -- for instance, that it will schedule its offerings to insure accommodation of every religious holiday for which recognition is sought. The requirement of public control means that all decisions must be made by public officials and precludes delegation of authority, to groups in which officers of parochial schools participate, over such matters as the selection of curricula, texts, or course objectives, the selection and tenure of teachers, or the direction of their work.

5. Similarly, shared time programs must serve public rather than religious objectives. Thus a decision to locate a new public school adjacent to an existing parochial school in order to facilitate the offering of a shared time program to students of that parochial school would be fatally infected with a purpose to aid the latter. However, it would not be improper for public school authorities in making decisions concerning the size of new schools to take into account the anticipated part-time enrollment of students attending private and parochial schools.

6. Though it may be proper for a public school to make the benefit of its facilities available to private school students who receive these benefits as part-time public school students, a public school may not make its teachers, texts, equipment and other facilities available to a parochial school itself. Moreover, facilities may not be provided to shared time students because they are parochial school students; thus bus transportation between the public and parochial schools may not properly be provided at public expense.

7. In expressing itself on the civil liberties issues involved in shared time programs or proposals, the American Civil Liberties Union is speaking only of the limitations of the First Amendment to the United States Constitution. It is asserting that the fundamental premises of American society implicit in the religion guarantees of that amendment, viewed in terms of their impact upon individual liberty, lead it

to believe that these conclusions should be accepted, and should be compelled by court decision if need be, as limitations upon the power of governmental units and their officers. It is not, in this statement, taking account of the provisions of state constitutions and statutes which may additionally limit or even preclude the adoption of shared time programs.

8. Moreover, in so expressing itself, whether on shared time programs generally as it does here, or upon any individual program or proposal, the Union confines its interest to the civil liberties or constitutional implications of them. It does not address itself to collateral (though sometimes not wholly unrelated) public policy considerations which may move public authorities to approve or reject a particular proposal. Thus the Union is not here expressing a view as to whether public school education is better than or inferior to private or parochial school education or whether one or the other is of greater overall benefit to a democratic society. It is not commenting on whether shared time proposals offer an economical means of achieving a school board's educational aims nor on whether they will assist school districts to win public support for additional public school expenditures. It does not argue that public school education either is or is not fostering an atmosphere which discourages religion in American society (though specific practices calculated either to foster or discourage religion would warrant civil liberties concern and objection). It is not saying whether shared time programs are likely to encourage a beneficial contact between public and parochial school students, whether they are likely to foster a proliferation of parochial schools, nor whether doing so would detrimentally encourage sectarian bias and divisiveness or beneficially enrich the pluralism of our many cultural and religious heritages. All of these questions are of genuine importance to public officials contemplating or administering shared time programs, and to the citizens who are constituents of these officials. As such citizens the members of the Union are themselves deeply concerned with and hold varying views upon many of them. But the Union itself is here speaking to fairly narrowly defined constitutional and civil liberties issues, independently of the views of any of its members upon many broader questions of public policy.

File
Amer. Civil Liberties Union

June 10, 1964

Mr. Melvin L. Wulf
Legal Director
American Civil Liberties Union
156 Fifth Avenue
New York 10, New York

Dear Mel:

How could it not be a pleasure to send you the reprints? They are coming under separate cover.

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD/mmj

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A. Philip Randloph (N.Y.)
Elmo Roper (N.Y.)
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Prof. George R. Stewart (Calif.)
Mrs. Dorothy Tilly (Ga.)
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Thornton Wilder (Conn.)
Aubrey Williams (Ala.)
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American Civil Liberties Union

156 FIFTH AVENUE, NEW YORK 10, N. Y. • ORegon 5-5990

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June 8, 1964

Mr. Leslie Dunbar
Southern Regional Council
5 Forsyth Street N.W.
Atlanta 3, Georgia

Dear Leslie:

Where can I get a dozen reprints of your article "The Changing Mind of the South" which was published in the Journal of Politics. It is very good and I would like to send around some copies.

Sincerely yours,

Melvin L. Wulf
Legal Director

Washington Office — 1101 Vermont Avenue, N.W., Washington 5, D.C.; Lawrence Speiser, *Director*; Julie N. Barrows, *Executive Assistant*

With organized affiliates in twenty-seven states and 800 cooperating attorneys in 300 cities of 48 states

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Unanimously Endorsed by

ARIZONA CIVIL LIBERTIES UNION
SOUTHERN CHAPTER

at July 2, 1964 Meeting

Report of the Committee on Capital Punishment

Submitted 15 June 1964 by: Rev. John C. Fowler, Dale Hurliman,
Prof. Clifford M. Lytle

In response to an inquiry from the national office, the Southern chapter of the Arizona Civil Liberties Union herewith expresses its position with respect to the issue of capital punishment. It is our feeling that the time has come when the ACLU should take a stand on this controversial issue. It is the collective judgment of the Southern Chapter of the Arizona Civil Liberties Union that the national organization should take immediate steps to set in force a legal and political program designed to eliminate capital punishment as a legitimate sanction within our society.

For a number of years, civil libertarians have been confronted with the delicate question as to whether capital punishment constituted a proper subject with which the ACLU should concern itself. It is submitted that the answer to this question must be an affirmative one. While for many years it has been argued that capital punishment per se does not give rise to a constitutional question, more recent reflection upon this premise reveals a firm argument to the contrary.

There is considerable authority, legal as well as philosophical, supporting the proposition that capital punishment in fact does violate several constitutional provisions. Just last year, three Supreme Court justices, (Justices Goldberg, Douglas, and Brennan) reasoned in Rudolph v. Alabama that the death penalty, when inflicted for a crime that did not result in the loss of life (such as rape) violated the Cruel and Unusual Punishment clause of the Eighth Amendment. In addition to this deprivation, a number of other illustrations can be cited as depriving individuals of their constitutional guarantee to "due process" of law. To name but a few, the infliction of capital punishment discriminates against an accused who is not financially able to provide for an adequate defense. In addition, it is well recognized that in certain states, indeed if not in all states, members of minority groups, in particular Negroes, bear the heaviest toll in loss of life due to capital punishment. Capital punishment then is a criminal penalty the practical effect of which discriminates against those persons at the bottom of the socio-economic ladder in life. Attention might also be directed to the argument that since persons opposed to capital punishment are excluded from juries hearing capital cases, there is a discriminatory effect upon an accused's rights. While the state is protected against a capital acquittal, the defendant is, "not protected against a jury biased in favor of it."

Perhaps the most important denial of "due process" of law which inures to an accused as a result of capital punishment, is that once the death sentence is carried out, any possibility of futhre appellate review is foreclosed. If new evidence is discovered, or, as in Gideon v. Wainwright (right to counsel),

Griffin v. Illinois (free transcripts on appeal), and Mapp v. Ohio (illegally seized evidence), the Supreme Court were to render a retroactive decision affecting the rights of the deceased defendant, he would be unable to take advantage of this new constitutional guarantee. This certainly gives rise to a presumption that capital punishment can and does deprive a defendant of "due process" of law.

While it is our considered opinion that capital punishment in violating several provisions of the Bill of Rights does fall within the purview of a civil liberty, we recognize that there are those who argue that in the absence of the special circumstances alluded to above, capital punishment per se does not violate the constitution. While this position appears to be reasonable and tenable at the present time, it is suggested that the prevailing development of ideas today seems to be drifting away from this position. Certainly an attack upon the peripheral aspects of capital punishment should be commenced immediately. This not only will eliminate an apparent blemish upon our system of criminal justice, but it will also lay the foundation upon which to predicate an assault upon the whole concept of capital punishment in the future.

These last remarks should not be interpreted as conceding that capital punishment per se is not a proper subject with which the ACLU should be concerned. Indeed, as alluded to earlier, it is our opinion that capital punishment may well violate the Constitution and should be approached accordingly. If this line of reasoning is rejected by the national office, it is our collective judgment that the issue of capital punishment is still a proper subject for libertarian concern regardless of the constitutional ramifications involved. As Norman Dorsen pointed out in his Memorandum on Capital Punishment dated January 2, 1964, the ACLU has often concerned itself with subjects which have not precisely and technically offended the constitution. It is our feeling that capital punishment is of such vital importance, going to the very heart of a civilized society, that the ACLU would be remiss in its duty if it did not face this problem immediately and with all of its energy.

While recognizing that the basic purpose of this communique is to evidence our support for positive and determined action by the ACLU with respect to the issue of capital punishment, it is felt that the following list of arguments against capital punishment should be included for purposes of supporting the chapter's overall position.

1. Capital punishment in and of itself is an unspeakably cruel act.

2. The right to life is inherent in man. It is inviolate and may not be taken by the state in the guise of protecting the public welfare.

3. There are effective and meaningful alternatives which may be used in place of capital punishment.

4. The idea that capital punishment is a deterrent to criminal activity is a myth unsupported by adequate statistical data.

5. Innocent men have been needlessly put to death.

6. Capital punishment is a crutch which society has used to rationalize its neglect of and inability to cope with the real problems in society which give rise to criminal activity -- problems emanating from deplorable social conditions.

7. Capital punishment is often used as a penalty for crimes which have not involved an initial wrongful death (for instance, in Arizona train robbery is punishable by death).

8. Capital punishment is meted out to individuals in a capricious manner defying rational analysis.

9. The real, though seldom admitted, reason for capital punishment is predicated upon the idea of retribution -- a concept which is not only repugnant to our philosophy of criminal rehabilitation, but discordant with the ideals of a civilized society.

These constitute some though certainly not all, of the arguments against capital punishment. It is felt that the sum total of these dictates that the ACLU has but one path that it may pursue -- the immediate institution of a program designed to eradicate capital punishment. Recognizing that the laws of our society evolve in their development slowly, it is recommended that an immediate legal program be commenced designed to challenge the constitutionality of the peripheral ramifications of capital punishment, i.e., those pertaining to the use of the death penalty in cases in which the crime involved no loss of life, and to those cases which involve discrimination against an accused alluded to above. It is hoped that this legal approach will eventually lead to a judicial interpretation that capital punishment per se offends the constitution.

While the legal attack upon capital punishment is an important technique which should be instituted with all deliberate speed, equally important is the political attack which may be waged in the legislative halls of our national and state governments. Only via a two-pronged attack, both legal and political, will effective pressures be exerted to the extent that we can expect some meaningful achievement in attaining the desired goal -- the eradication of capital punishment.

File

September 23, 1964

American Civil Liberties Union
156 Fifth Avenue
New York, New York

Gentlemen:

We have been receiving in this office a duplicate copy of your monthly publication, Civil Liberties, addressed to Mr. Harold C. Fleming. Would you be kind enough to address these to Mr. Fleming at the Community Relations Service, U. S. Department of Commerce, Washington, D. C.?

Sincerely yours,

(Mrs.) Mildred M. Johnson
Secretary to the Director

MMJ

Free

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

AGENDA

BOARD OF DIRECTORS MEETING

MONDAY, OCTOBER 26, 1964 - 12:30 P.M.

ACLU OFFICES

1. Minutes of September 28 Meeting.

ACTION

2. Procedure on determination of three Church-State Committee recommendations on which affiliate advice has been solicited. (Memorandum by Mr. Pemberton enclosed.)

3. Recommendation of the Due Process Committee that the Union write "to the Attorney General asking what the Department of Justice practice is with respect to the use of unsentenced prisoners as government witnesses, particularly where it seems that they remained unsentenced pending their testimony in another case." (Draft of letter enclosed.)

4. Recommendation of the staff on Overstreet, The Strange Tactics of Extremism. (Memorandum of Alan Reitman enclosed.)

5. Proposed comment on the Warren Commission Report. (Draft statement prepared by Mr. Fraenkel enclosed.)

INFORMATION

6. Dan Smoot broadcasts.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

MINUTES

BOARD OF DIRECTORS MEETING

MONDAY, SEPTEMBER 28, 1964 - 12:30 P.M.

ACLU OFFICES

PRESENT: Mr. Angell, presiding; Messrs. Bierstedt, Black, Brown, Crowell, Evans, Fraenkel, Frank, Hacker, Heckscher, Jones, Maslow, Miller, Rice, Soll; Judge Kenyon; Mesdames Jacobs, Pilpel.

From the National Committee: Messrs. Baldwin and Malin.

Office: Messrs. Pemberton, Reitman, Speiser, Wulf, Morgan, Adler, Neier, Haskell; Mrs. Floyd; Misses Golden and Strickland.

Visitors: Mr. Selzer; Mrs. Jones.

1. Minutes. The minutes of the September 14 meeting were approved as circulated.

2. Introduction of visitors and new staff. Mr. Baldwin and Mr. Malin were given a special welcome. Mr. Charles Morgan, Jr., newly appointed Director of the Southern Regional Office, was introduced, as was Miss Anne Strickland, Mr. Pemberton's secretary. Mrs. J. P. Jones and Mr. Isadore Selzer, a volunteer in the Legal Department, were also introduced.

3. Financial Report. Mr. Haskell announced that the 1964 fund-raising drive has reached 92% of its goal, which is 2% ahead of the projection for this time. Moreover, as a result of the membership list cleaning operation, 656 members have been returned to the list, with a corresponding increase in income.

4. Mr. Malin. Mr. Malin expressed his delight at being at the meeting and was especially glad to report that since his operations there has been no sign of cancer and he is feeling quite well. He thanked the members for the many letters which he and his wife have received and for the good wishes expressed. He then proceeded to give a report on the Cyprus situation and on Turkey.

August 5th was a most critical time in Cyprus, but since then things have stabilized relatively, and it can be expected that the situation will remain calm.

In Turkey, civil liberties were better than he had imagined, even during the period when the country was under martial law. One favorable factor is the lack of any sizable minority: there are 80,000 of Greek extraction (most of them Turkish citizens) and this is the largest single minority. Most of the actual Greek citizens have left. Consequently, there seems to be general equality before the law.

However, quite the opposite situation prevails with respect to due process for this fundamental freedom is in its infancy. This is reflected in arbitrariness of officialdom and in favoritism.

Freedom of speech and of press has been relatively broad even during martial law (which ended in the middle of the Cyprus crises). In fact, there have been only two major restrictions: During the period of martial law, party gatherings had to be held indoors and political news and comment were sometimes subjected to post publication censorship. Mr. Malin made the point that the real problem which inhibits free speech and press is the constant fear that there could be a new coup d'etat and what one has previously said with impunity will come to be unacceptable.

5. Death of J. Frank Dobie. Mr. Malin moved that a resolution be adopted expressing the Union's sense of loss upon the death of Mr. Dobie. The motion was carried unanimously.

6. Recommendation from the NDC Steering Committee. Mr. Neier reported the recommendation of the National Development Council's Steering Committee that, instead of having the affiliates share immediately the proceeds of their new member promotion activities with the National Office, and vice versa, the entity recruiting each new member be allowed to retain funds during the first year and then share them thereafter. (See NDC SC minutes of its August 1, 1964 meeting.) Mr. Neier explained that the Steering Committee had directed withholding of this recommendation until now to permit more thorough canvessing of affiliate views, which had been done. The response has been almost entirely favorable to the recommendation since it will encourage greater new member promotional activity at both affiliate and national levels. This recommendation was approved unanimously.

7. Planning for the 89th Congress. Mr. Speiser reported that, hopefully, the 88th Congress will end this week. He then outlined some of the issues with which the 89th Congress will probably deal and mentioned that there will be a major effort in both Congress and the states to revise or overturn the Supreme Court reapportionment decision. In addition, the following are special areas of concern: (1) HUAC. Research is being done in many law schools with the hope of offering acceptable alternatives to renewal of the Committee's mandate. However, no publicized efforts on this issue will be profitable until after the election.

(2) Becker Amendment. Congressman Becker has announced he will retire from Congress and that he is going to work to promote the Becker Amendment. (3) Wire tapping. There will be an effort to pass wire tapping legislation, though Mr. Speiser commented that he didn't know if there will be new proposals in this area by the new attorney general. (4) Loyalty/security procedures. (5) Immigration laws. President Johnson has accepted the proposals made by President Kennedy regarding the gradual elimination of the restrictive immigration quota system over a five year period. (6) General attacks on the Supreme Court, especially for its due process decisions.

General discussion dwelt on what information could be gleaned from the polls indicating any effect of Goldwater's attack on the Supreme Court, on the subject of loyalty oaths and disclaimer affidavits, and the general attacks on the Supreme Court. Mr. Speiser pointed out that, among political leaders, even the friends of the Supreme Court will vary with the issue of the moment in the extent of their defense of the Court and its independence.

8. Announcements. Mr. Angell announced that he would appoint the members of the Audit Committee as provided for by the Board at its meeting on September 14th, after first consulting intended members. He also pointed out that since the next scheduled meeting of the Board is October 12th, a holiday, that meeting will be cancelled unless an emergency requires a meeting, in which case the meeting will be on October 13th.

9. Southern Regional Office. Mr. Morgan outlined several areas in which he envisages ACLU's activity and participation. He suggested that defense of southern lawyers prosecuted and harassed under cover of law ought to enjoy a first priority claim on the resources of the Union. Such defense would be supportive of the educational job of persuading lawyers to handle civil liberties cases. Mr. Morgan felt that ACLU should chalk out certain fields of operations not being handled by anyone else. These might include the jury selection process, segregation of school teachers, and the free speech issue relating to such things as showing controversial motion pictures. Mr. Maslow suggested that there is so much work in other fields that the ACLU ought to stay out of school desegregation cases. However, Mr. Morgan reminded the Board that in the South many civil liberties questions arise from civil rights.

Mr. Morgan pointed out the uniqueness of ACLU's appeal to lawyers to take on unpaid civil liberties work, in contrast to the fee paid civil rights work done for other organizations. Mrs. Pilpel suggested a regular report to northern lawyers of those southern lawyers willing to take ACLU cases, put on a semi-institutional basis through the overall list of ACLU cooperating attorneys.

10. Proposals to Initiate a Campaign Against State Loyalty Oaths and Anti-Subversion Laws. Mr. Reitman reported that Miss Abigal Mellon, who has done research for us on this subject, has completed her work. Thirty-three states have statutes requiring loyalty oaths for teachers, and Mr. Reitman said that the ACLU hoped to obtain a memorandum on the effect of Baggett v. Bullitt (the Washington loyalty oath case) on these statutes, as a foundation for ACLU affiliate activity. There are two/ situations

warranting particular attention: (1) A new, New York state, Feinberg law case, and (2) the Maryland effort to repeal the Ober law. Mr. Reitman also reported that the AAUP has indicated an interest in meeting with the ACLU about this matter.

After discussion, general agreement with the plans was expressed by the members.

11. Civil Liberties Issues in the 1964 Campaign. Mr. Pemberton said that since 1952, the ACLU has asked the two major presidential candidates to submit a statement on civil liberties which is published in the ACLU monthly Civil Liberties. This year, President Johnson submitted such a statement but Senator Goldwater declined, through his staff, to do so. Thus, Johnson's letter and pertinent excerpts from the Republican platform will be printed. This provoked discussion from the floor.

Mr. Maslow suggested that for the 1968 election we begin discussion of this early enough so that the Board may participate more fully in the decision. Mr. Pemberton went on to say that although we face a novel challenge to our interests in Senator Goldwater's political attack on the Supreme Court, such able people as Mr. Kennedy, Senator Dodd and Mr. Katzenbach have made responses, and it is more appropriate for these people to respond in the political context than for ACLU. Nevertheless, we are obtaining speeches on both sides for our affiliates to use, for their own educational work and as ammunition for local attacks. Mr. Jones moved that discussion be limited to current business, and this motion was carried by a majority of ayes.

Mr. Pemberton proposed that a practice in prior Congressional election years of proposing a candidates' questionnaire to affiliates for local use be suspended. He expressed the judgment that its limited past use and the still more limited responses of candidates had tended more to put the friends of civil liberties at a disadvantage than to promote libertarian campaign positions. Board members expressed concurring positions.

12. Progress Report. Mr. Haskell reported that the 1965 expansion drive (to raise one million dollars) was getting underway. On Saturday, September 26th, there was a meeting in New York of the regional representatives from the eastern area to discuss their progress and program. Next Saturday, October 3rd, there will be a similar meeting in Indianapolis. The pledge drive itself will not start until the day after the election, that is, Novermber 4th. Members were requested to inform the office regarding their travel plans so that during the campaign period (Nov. 4 to Dec. 15), if possible, Board members might accept speaking engagements for affiliates.

13. Campaign Against Proposition 14 in California. Mr. Reitman reported on efforts being made to assist the campaign to defeat Proposition 14, by the ACLU in cooperation with other organizations, to raise an additional $135,000 in campaign funds. These efforts are in addition to the matching grants which ACLU has made to its California affiliates to assist their efforts.

14. Warren Commission Report. Mr. Pemberton explained that the Warren Commission report would be studied carefully with view to our elaborating, if necessary, the ACLU statement made last December on the Oswald case.

Office Note: Copies of the speeches of Senator Goldwater and Mr. Katzenbach (entered in the Congressional Record by Congressman Kastenmeier) referred to in Item 11, are being circulated with these minutes.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

RESOLUTION OF THE BOARD OF DIRECTORS OF THE AMERICAN CIVIL LIBERTIES UNION ON THE DEATH OF J. FRANK DOBIE

With the death of J. Frank Dobie the American Civil Liberties Union has lost a long-time friend and Vice-Chairman of its National Committee, and the world has lost a unique character. Frank Dobie was a member of a rapidly disappearing species: he was a true Texas -- or Texian, as he preferred to say -- who was also a citizen of the world. He was born on a Texas ranch, and throughout his life he remained in body and spirit the ideal type of the Texas rancher, not only dressing, walking, and talking like the old-time "Texian" he was, but above all things cherishing the ideals of human dignity and the spirit of freedom not only in big things but also in the little things which are the foundation-base of big things. Clarence Ayres recalls that the first time he ever saw Frank Dobie in a faculty meeting at the University of Texas was when, following a small but dangerous fire in a university building the Administration was proposing to forbid smoking in the "non-residential, non-fireproof" buildings of the University. Frank vigorously (but unsuccessfully) opposed this infringement of individual liberty! It was the same sense of personal integrity that prompted him to mount the hustings and campaign against a governor who had betrayed his trust. Rugged individualism was likewise manifest in his academic career. In his younger days he refused to pursue a Ph.D.; and against the opposition of his Department Chairman (who was an authority on the Anglo-Saxon origins of the English language) he insisted on offering a course in "The life and literature of the Southwest" -- which became the most popular elective in the Department.

The popularity of his second book, Coronado's Children in 1931 made him a national figure, and his year as visiting professor of American History at Cambridge, another year as an "I. and E." lecturer to the United States Army in England, Austria, and Germany, as well as his three years' service with UNESCO, made him a world figure.

Just before his death he received the Freedom Medal. After a series of illnesses aggravated by a serious automobile accident, Frank was too weak to receive it in person, and his wife of nearly half a century journeyed to the White House to receive Frank's medal and a personal kiss from President Johnson. A few days later his heart quietly stopped beating in his sleep.

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CC: Prof. James Vorenberg (Harvard Law School)
U.S. Judge Dudley Bonsal
Chief Judge Ryan
Senator Wayne Morse
Congressman Emanuel Celler (Chairman, House Judiciary Committee)
Senator James O. Eastland (Chairman, Senate Judiciary Committee)

The Honorable Nicholas de B. Katzenbach
Attorney General

Dear Mr. Katzenbach:

The American Civil Liberties Union is becoming increasingly concerned over the practice of deferring sentences of defendants in criminal cases or against co-defendants in the same case. The recent modification and inclusion of the statute prohibiting bribery of witnesses in the statute dealing with conduct of public officials [Act of October 23, 1962; P.L. 87-849, 18 U.S.C. § 201] makes appropriate a reexamination of the relationship between the prosecutor and the defendant used as a government witness.

Any undue delay in the imposition of sentence is at once open to suspicion unless the delays are explained in open court. The Rules of Criminal Procedure and the Rules of the various Federal District Courts for all practical purposes give the United States Attorney's office virtual control over the Court calendars and, if the sentencing of a defendant is deferred over an unusually long period -- certainly beyond the term of court in which the conviction or plea of guilty occurs -- it would appear that the delay was occasioned by the failure of the U.S. Attorney's office to put the case on the calendar for sentencing.

The testimony of defendants whose sentencing is withheld, unless there are compelling reasons therefor, is suspect. Either the threat or fear of sentence hangs over the defendant's head, or the defendant testifies with the expectation of having his sentence lightened by incurring the favor of Government prosecutors through his testimony. In either case, the

fountain of justice may be polluted and justice is miscarried.

The latter view is supported by the record in the United Dye Case where defendant Irving Pasternak was sentenced on June 5, 1963, to 2 1/2 years and fined $50,000 upon the Government prosecutor's contention that the defendant had gained $2,000,000 in the swindle. The same government prosecutor, on July 29, 1963, in an affidavit answering a motion to modify the sentence, claimed that since June 5, 1963, the defendant had cooperated with the government. Pasternak's sentence was then modified to make him eligible for parole after serving 60 days rather than after one third of the 2 1/2 years.

The recent second trial of Roy M. Cohn, which started on June 9, 1964, and resulted in his acquittal of the charges, disclosed that the key government witnesses had not been sentenced even though more than two years had elapsed since their conviction.

These key government witnesses were Samuel S. Garfield, Allard J. Roen, Sidney S. Barkley and Allan K. Swann. The record discloses that these government witnesses entered pleas of guilty in February and March, 1962. While their sentencing was to have occurred in April, 1962, they appeared as witness in the Cohn trial without having been sentenced.

We have no way of knowing how widespread the Federal practice is of deferring sentencing until the defendant testifies in other cases. Therefore, we request information as to the policies of the Attorney General as issued to U.S. Attorneys governing their conduct in such cases, the number of cases in recent years in which sentence is deferred until the defendant can testify in other cases, the policy of deferring sentencing in any case until the defendant testifies, and what the Department does regard as undue delay in the sentencing of defendants.

In our considered judgment the deliberate delay of sentencing of a defendant until he testifies in another case is violative of the second defendant's right to due process and raises the question of whether the delay is not an offer or promise of "... anything of value ..." which is penalized by the Bribery Statute (18 U.S.C. 201h).

We look forward to your reply.

Sincerely yours,

John de J. Pemberton, Jr.
Executive Director

CAMPAIGN SPEECH AT AL LANG FIELD, ST. PETERSBURG, FLA., SEPT. 15, 1964

BY SEN. BARRY GOLDWATER, REPUBLICAN CANDIDATE FOR PRESIDENT OF THE U.S.

Let me recall some words I used in accepting my party's nomination for President of the United States. I said then that "nothing prepares the way for tyranny more than the failure of public officials to keep the streets safe from bullies and marauders."

These words bear repeating -- over and over.

This is a serious matter, a tragic matter. And the greatest tragedy of all is that the breakdown of law and order should be an issue in this campaign for the highest office in the land.

But it must be an issue, a major issue. How can a candidate for the Presidency brush aside the fact that there were two and a quarter million serious crimes -- major crimes -- committed in our nation last year? How can he ignore the six thousand or so major crimes committed in the last twenty-four hours?

And even that is not the whole story. Crimes in our country -- and I am still speaking of serious crimes -- rose 10 per cent last year over the year before, and 16 per cent over the year before that. In the last six months alone they have risen 15 per cent!

You know, I sometimes wonder what my opponent means when he purses his lips and calmly says: "Let us continue."

Let us continue what? A crime rate that climbs five times faster than population, as it has over the last four years? A crime rate that rapidly accelerates, as it has over the last four years? A moral decay that can only lead to the ruin of our nation?

In your hearts, you know this is wrong. In your hearts, you know there must be a change. And in your hearts, you know that Bill Miller and I will be that change.

Nothing is more clear from history than that moral decay of a people begins at the top. It seeps down from the highest offices into all walks of life. And what do we see today in those unlighted highest offices?

We see a shadow cast across the White House itself. We see political power used for personal gain. We see a national spectacle in the incredible cases of Bobby Baker -- my opponent's protege -- and of Matt McCloskey, his close associate.

And what do we hear about all this from our highest officials?

We hear official silence -- broken by the scrambling of official cover-up. And we hear more. We hear the Ambassador to the United Nations, a major spokesman for the present Administration, condoning lawlessness and even exhorting our educated youth to break the law.

That's right. Break the law. That was the advice of Adlai Stevenson to an audience at Colby College this year. "In the great struggle to advance civil and human rights", he said, "even a jail sentence is no longer a dishonor but a proud achievement."

It was an American statesman of the last century who said, so briefly and clearly: "He who strikes at A law strikes at THE law." For those blessed, as we are, with a representative republic, that is always true -- no "ifs", "ands", or "buts" about it. Everybody, high and low, is obliged to obey the law. If the law is bad, it should be changed, not defied. And everybody has the right and duty to work toward that change through his lawful representatives in legislative bodies.

Yet our highest executive officers have done more than forget this fundamental principle, this pillar of domestic security. They have openly and knowingly shattered it. And to what end? That I leave for you to decide.

Nothing is more vital to every one of us today than the restoration of domestic security. The founders of our great nation set this as one of the principal duties of government, "to insure domestic tranquility." We have had the good fortune during most of our history to be able to take a stable civil order for granted. All the more reason that we must not underestimate the crisis facing us.

We are headed toward the law of the jungle, where "they shall take who have the power, and they shall keep who can." Unless person and property are secure from the marauder, we have no government worthy of the name.

How, you will rightly ask, will Bill Miller and I restore domestic tranquility to this land? Well, let me tell you how we will do it.

First, by example at the top. It is idle to expect delinquents and thugs to respect the law if those in high office do not act with integrity. And this means more, much more, than merely keeping out of the criminal courts. It means following the highest moral standards in every aspect of conduct. It means that the President and his associates must be, like Caesar's wife, wholly above suspicion. It means that the burden of proof rests squarely on their shoulders when the slightest doubt arises about their conduct.

I hardly need remind you that this is not the case today. There would be little reason for alarm if we were confronted only with occasional minor abuses of power, promptly detected and punished. In all ages there will be some who abuse the trust of power.

But an Administration is sick when it is riddled with abuse -- when those abuses are concealed, swept under the rug because they reach too high or touch too many. It is sick when our highest authorities refuse to ferret out and punish corruption. We can only conclude that there is simply too much scandal to allow any of it to come to light.

Press agents and image makers can do much for a candidate. They can give him many faces, looking many ways, appealing to many interests. But there is one face which press agents can't give a man, and that is the face of integrity. Than a man must give to himself or not have at all.

This, then, is the first thing that must be done -- to put in a new Administration at the top. It must be an Administration whose honesty and integrity speak so loudly that you won't have to hear what it, or its press agents, say.

Bill Miller and I will give you that kind of Administration. In your hearts, you know I'm right.

But example alone is not enough. The President must use the power and influence of his office to strike at the roots of the breakdown in law enforcement.

Now, my opponent in this election would not understand what this means. To him, the way to solve a problem is to appropriate a few hundred million dollars of taxpayers' money, and see if the problem will disappear along with the money. If that doesn't happen, the next thing to do is to create a new bureaucracy in the White House to meddle in the affairs of others.

And while he meddles, the nations's capital is being consumed by crime.

Here <u>is</u> a Federal responsibility -- the domestic tranquility of the District of Columbia. What, you might ask, has my opponent done to fulfill his grave responsibility toward law and order in our capital city?

We have heard of and seen many wars in the time of the present Administration. But have we yet heard of the only needed war -- the war against crime? No, not even in the city whose rule lies in the hands of the federal government.

This I can pledge to you -- that Bill Miller and I will launch that attack. We will first of all use our power and influence to see that law enforcement officers, on the state and local level, get back the power they need to carry out their job.

Let me make this crystal clear: enforcement of the law is a state and local responsibility. There is no room in this country for a federal police force. And there is no need for one.

But there is urgent need to return to state and local authorities the traditional powers to apprehend and punish criminals, powers that have only recently been taken away from those authorities by federal courts -- particularly the Supreme Court.

Now, as I understand it, the Supreme Court has been given only very limited power over state criminal convictions under our Constitution. In order to reverse a judgment of a state court, it must first determine conclusively that

a convicted defendant was denied some specific right guaranteed by the Constitution.

There was no problem up to a few years ago. But then the Supreme Court began strectching two phrases in the Fourteenth Amendment, often by five to four decision, until the state courts lost virtually all their powers over judicial process.

The result has been severe restriction of state administration of criminal law -- restriction so severe that thirty-six of the chief justices of our states joined in calling upon the Supreme Court to exercise restraint.

Let me just recall some of the key decisions.

Three years ago, five members of the Supreme Court deicded that state courts must follow federal rules of evidence whether they wanted to or not. Specifically, no evidence could be used if police investigators made some mistake -- any mistake -- in gathering the evidence. This rule must hold even if it means an obviously guilty defendant will go free. It is a rule squarely contrary to common law and to constitutional law -- up to three years ago. As one of our greatest common law judges once said, such a rule means that "the criminal is to go free because the constable has blundered."

In an earlier case, the Supreme Court ordered that a criminal conviction should be reversed, no matter how guilty the defendant, if it were shown that some technical violation of constitutional rights occurred anywhere in the course of investigation and trial. If there is any flaw in one confession, all confessions -- whether challenged or not -- must be thrown out!

The trend has now reached its logical end. Five justices of our Supreme Court have held that a voluntary confession made by a state prisoner was inadmissable because his lawyer was not present when it was made. This was held despite the fact that the prisoner admittedly knew of his right to remain silent.

Let me make this absolutely clear -- there was no question in these cases that confessions were extorted or untrue. Such confessions have long, and rightly, been invalid. This is a new rule. It seems to say that a criminal defendant must be given a sporting chance to go free, even though nobody doubts in the slightest that he is guilty. No wonder our law enforcement officers have been demoralized and rendered ineffective in their job.

Something must be done, and done immeidately, to swing away from this obsessive concern for the rights of the criminal defendant. Of course he is entitled to a fair and speedy trial. Of course he is entitled to protection of his constitutional rights.

But is he to be so needlessly pampered that the rights of law-abiding citizens become hollow claims? Are law and order to be sacrifices just to give criminals a sporting chance to go free?

Barry Goldwater St. Petersburg, Fla. Sept. 15, 1964

I know you will agree with me that something needs to be done. And let me suggest three things that can be done.

First, in making appointments to the federal judiciary, the President must consider the need to redress constitutional interpretation in favor of the public. Here it is important to stress again that the recent decisions open to criticism have been made by a closaly divided Supreme Court.

Second, if the Court's decisions should remain unaltered, the President has the obligation to urge amendment of the Constitution. Such amendment should give back to the states those powers absolutely necessary for fair and efficient administration of criminal law. It should safeguard basic rights of defendants, while giving the states power to enforce law and order.

Third, the President should urge Congress to consider changing some of the rules of judicial procedure in the federal courts. Congress clearly has this power under the Constitution.

I have in mind rules such as the one recently established in a case involving the criminal law of the District of Columbia. That rule, set in the Mallory case, holds that any statement made by a defendant to police officers is inadmissible if arraignment is delayed. It makes no difference whether the delay had any connection with the statement or not.

Let me say that, within five years after this ruling, the robbery rate in the District increased by 115 per cent! Our nation's capital now ranks third out of sixteen comparable cities in robberies -- a place of shame and dishonor that reflects directly on lack of leadership and concern in the White House.

These three proposals are constructive steps in the direction of sounder law enforcement. But they can be advanced only by the right leadership.

To restore public virtue, and thereby law and order, there is no place for the dealership of a clever compromiser, a scheming wire-puller, a master politician. There is instead urgent need for leadership, dedicated to the principle that moral law binds both the high and the low, that public law must and shall be enforced.

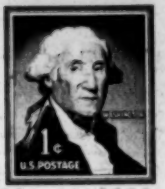
With your help and God's blessing, Bill Miller and I will give you that leadership. That is our solemn pledge.

The Committee on Committees (ACLU)
will meet at your office at
12:00 noon on Tuesday Nov. 24th.
Please check minutes of September board
meeting and be thinking about good
people.

Thanks

CD

File
ACLU



THIS SIDE OF CARD IS FOR ADDRESS

Mr. Leslie Dunbar
S.R.C.
5 Forsyth St NE
Atlanta, Ga.

Minutes November 12, 1964

NATIONAL CIVIL LIBERTIES CLEARING HOUSE

Attendance : The National Civil Liberties Clearing House met in the Washington Post's Community Room on November 12, 1964, with the following attendance : Rabbi Richard G. Hirsch, Union of American Hebrew Congregations, presiding in the absence of the chairman; J. Arnold Feldman, American Veterans Committee; Emily Reed, American Library Association and D. C. Public Library; Melba Smith and J. Leon Henderson, National Alliance of Postal Employees; Eileen Cooke, American Library Association; Mrs. Wilbur L. Morse, Y.W.C.A., National Public Affairs; Olya Margolin, National Council of Jewish Women; David A. Brody, Anti-Defamation League of B'nai B'rith; Roy H. Millenson and Brant Coopersmith, American Jewish Committee; Charles Harker, Fred Stabler, Herbert Fraetz, Francis Neely, Judy Starbuck, Friends Committee on National Legislation; Penelope Write, National Association of Intergroup Relations Officials; Meryle Hutchinson, American Nurses Association; Dr. Lewish I. Maddocks and Margaret McCane, United Church of Christ; Louis C. Krantoff, Committee for a National Trade Policy; Florence Schott, United Nations Association; Gloria Riordan, I U E, AFL-CIO; Charlotte Hankins and Marie Ingerman, Women's International League for Peace and Freedom; Robert W. Frase and Hope Marindin, American Book Publishers Council; Denise Tourover, Hadassah.

John T. Kenna, National Catholic Welfare Conference; Russell Bradley, National Conference of Christians and Jews; Margery Ware, Neighbors, Inc.; John Feild, Larry Mabrick, Mel Mister, U. S. Conference of Mayors; Mark Alter, Commissioners Council on Human Relations; Anne Foss, American Jewish Congress; W. E. Pollard and Don Cagel, AFL-CIO; Gene Solon, I U D, AFL-CIO; Jane O'Grady, Amalgamated Clothing Workers; Daniel S. Bedell, United Automobile Workers; Alma Scurlock, D. C. Office of Urban Renewal; Betty Douglas and Louise Harned, League of Women Voters, U. S.; Rosaline Fisher, D. C. League of Women Voters; Robert J. Greene, H H F A- Urban Renewal Administration; William H. McLin, National Education Association; Andrew Pettis, Shipbuilders Union; Felix Putterman and Morton J. Sobel, Jewish War Veterans; Olinda M. Roettger, Lutheran Church-Missouri Synod; Edward L. Ericson, American Ethical Union; John J. Sheehan, United Steelworkers; John Doyle III, Lawyers Committee on Civil Rights; Floyd H. Augustinelli, Archdiocese of Washington; Mary Alice Baldinger for the office.

Next Meeting : MONDAY, DECEMBER 14, at the Community Room. Prof. James Vorenberg, director of the Justice Department's newly-established Office of Criminal Justice, will speak.

1965 Clearing House Conference Dates : April 1 and 2, 1965, are the dates set for the 17th annual National Civil Liberties Clearing House Conference, which will again be held at the International Inn.

Program : Speaking on "The Election and Its Implications for the Future," political analyst Louis H. Bean traced the history of political developments in the U. S. since President Roosevelt's first term, which indicate, he said, that the Democratic Party is increasingly tending to become the party of the majority. On the basis of this historical trend and of the 1964 election, he concluded that -- barring unforeseeable events -- in 1968 the Democrats, under normal circumstances, are likely to lose no more than 5% of their 1964 vote, and under circumstances most favorable to the Republicans not more than 10%, and thus in either case are likely to win the presidency. He also forecast a Democratic loss of between 25-30 House seats in 1966.

John G. Feild, director of the Community Relations Service of the U.S. Conference of Mayors, discussed "Cities in Transition: Their Community Relations Problems." Among the many serious issues facing the cities today, he cited the question of urban renewal and its concomitant social, economic and political problems; challenges inherent in the utilization of grants under the Poverty Program; improving the quality of education for all students and the need to develop better remedial programs and teaching methods; the increasing need for manpower retraining facilities; the need for expanded police training in human relations and community problems; and the questions implicit for the cities in the Heller proposal that the federal government make large grants to the states with no strings attached. The Civil Rights Act, he said, has already brought vast changes in city attitudes towards social welfare problems, and will bring more.

Current Material : On request to the office, 1637 Massachusetts Ave., N.W., Washington, D.C. 20036 -- the Clearing House will send out its remaining copies of material distributed at this meeting :(A) -- A DECADE IN CIVIL LIBERTIES, an interpretive summary by Leo Pfeffer, Director of the Commission on Law and Social Action of the American Jewish Congress, starting with the decline of Senator McCarth's influence in 1954; (B) THE FEDERAL FAIR EMPLOYMENT LAW -- a summary and analysis of Title VII of the Civil Rights Act by Joseph Robison of the American Jewish Congress; (C) THE CIVIL RIGHTS STORY, by Harry Fleischman of the American Jewish Committee, covering governmental, state and civic developments from October, 1962 to the signing of the Civil Rights Act on July 2, 1964; (D) LABOR LOOKS AT THE 88th CONGRESS -- the AFL-CIO Legislative Department's handbook outlining congressional action on employment and the economy, health, education and welfare, labor legislation, consumer protection, foreign policy, conservation, and moves for reform of the rules of Congress, as well as civil rights and liberties.

WB ✓
SW - file

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

November 13, 1964

To: Due Process Committee

From: Mel Wulf

Subj: November 19, 1964 meeting, 4:45 P.M., ACLU office.

AGENDA

1. Delayed sentencing of prospective witnesses in the federal courts. The draft letter to Attorney General Katzenbach and item 5 of the October 26th Board minutes, both of which are enclosed, explain the problem to be discussed. *

2. Exclusion of physicians in group practice from hospital staffs. (Sy Bucholz will report orally.)

3. Senator Hart's proposed bill to establish the Commission on Civil Liberties. The bill, which is enclosed, raises again the Hannah v. Larche issue which we rather straddled as it arose in the establishment of the Civil Rights Commission. Our position is set forth in the enclosed minutes of the Due Process Committee of December 10, 1959
We also want your reaction to the Senator's general proposal. *

4. Congressional Investigating Committee Procedures. The enclosed draft report initiates a new look at our position.

5. Arrest Records. The enclosed Dorsen memorandum and its staff addendum, sets forth the questions to be pondered.*

*Insufficient copies available for distribution.

NOT FOR PUBLIC DISTRIBUTION - WORKING PAPERS

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

November 13, 1964

To: Due Process Committee

From: Sy Bucholz, Assistant Legal Director

Re: ACLU Policy on Due Process in Legislative Investigations

This is a supplementary statement of ACLU policy on legislative investigations in connection with this Committee's review of the due process aspects of such investigations at its November 19th meeting.

The office report previously mailed to you explains limitations on Congressional investigatory power developed to some extent by court decisions requiring a genuine legislative purpose and the pertinency thereto of a particular inquiry. Extensive testimony of Ernest Angell for ACLU in 1954 before the Senate Rules Subcommittee then considering two proposed Senate Resolutions on fair investigatory procedure contains these additional ACLU suggestions for due process protections:

1. Legislative Purpose. Resolutions authorizing Congressional investigation should state the specific needs and objects of the inquiry so that witnesses directed to answer questions may determine their relevancy.

2. Composition of Committees. In order to protect against brow-beating of witnesses and unfair examinations, no committee or subcommittee conducting an investigation should proceed to question a witness, particularly in executive

session, unless a majority of its members is present, and in no case should one-man sub-committees be authorized to take testimony.

3. Adequate Notice of Hearings. At least three days notice of his appearance at a hearing should be given to any subpoenaed witness in order to enable him to secure competent counsel if he so desires.

4. Subpoenas. Subpoenas should be issued only by the authority of the investigating committee and signed by the chairman. In addition, subpoenas should state in detail the subject matter upon which the witness is expected to testify and should be accompanied by a copy of the appropriate Congressional rules governing committee investigations.

5. Right to Counsel. All witnesses should have the right to be accompanied by counsel who in turn should have the right to make brief objections to the relevancy of any question or to committee procedures. Counsel should also have the right to submit to the committee brief legal memoranda in support of his objections.

6. Right to Rebut Adverse Testimony. Any person (or organization) about whom slanderous or libelous testimony is offered, or as to whom crime or misconduct is alleged, or who is subjected to public contempt or disgrace because of testimony presented, should be offered a committee hearing at which he may:

a) testify or offer sworn statements in his behalf;
b) recall for cross-examination by himself or his attorney an adverse witness;

c) obtain the assistance of the committee to compel the production of adverse witnesses and documents.

7. Secret Testimony. Evidence of a non-public nature should be kept secret until its release is authorized by the full committee. In no event should a majority report on secret testimony be issued unless there is a fair opportunity for a minority report. To avoid the harm often done in the past to reputations by a committee or committee staff member's premature disclosure to the press of secret testimony, some kind of internal enforcement procedure for rules of secrecy should be created.

8. Screening of Defamatory Testimony. As far as possible, evidence of a derogatory nature should be screened in executive session before it is made public to determine its probative value. If found unreliable it ought not to be made public, but if otherwise, the person about whom such information is offered should be afforded an opportunity to challenge it in executive session before the committee decides whether or not to make it public.

9. Publicity. Televising, filming and broadcasting of congressional investigations should not be permitted until investigating committees adopt rules of fair procedure.

10. Compelling Witnesses to Answer Questions. Privileged communications recognized in the law should be respected by investigatory bodies. Short opening and closing statements and a concise explanation of the yes or no answer should be allowed the witness, in order to avoid distortion of truth. Rather than subject a witness to a contempt citation and

criminal prosecution if he mistakenly believes he has a right not to answer a specific question on the grounds of irrelevancy or Fifth Amendment privilege, a procedure allowing either an application to federal court for an order directing a witness to answer, or a system allowing a broadly based screening committee of Congress to pass on the proposed question, should be established.

11. Transcripts. Transcripts of testimony adversely affecting any person should be furnished him gratis, upon demand.

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

MINUTES
DUE PROCESS COMMITTEE MEETING
Thursday, November 19, 1964, at 4:45 P.M.
ACLU Office

Present: Mr. Ennis, Presiding; Messrs. Dorsen, Lusky, Frank.
Guests: Messrs. Prashker, Markmann
Staff: Messrs. Wulf, Bucholz.

1. Delayed Sentencing of Prospective Witnesses in the Federal Courts.

The Committee considered the problem and the proposed letter of inquiry and protest to the Attorney General in light of the Board's decision of October 26. All of the members of the Committee felt the problem was a serious one meriting ACLU's concern. After some discussion of whether to join the problem with the general question of "deals" between prosecutors and defendants at all stages of the criminal process, it was moved and carried that the letter previously proposed be discarded and that in its place a short letter be written to the Attorney General with a copy to the U.S. Attorney for the Southern District of New York inquiring as to what, if any, the policies of the Justice Department are with respect to delaying the sentencing of prospective witnesses in federal criminal trials who have been found guilty in related cases. No ACLU position statement is to be included. A draft of the new letter is to be re-submitted to the Board.

Office note: Mr. Ennis reported the matter to the Board at its meeting of November 23, 1964.

2. Exclusion of Physicians in Group Practice from Hospital Staffs.

The Committee discussed a request for financial support and amicus participation from a group of doctors in Bellaire, Ohio who are currently engaged in a federal court test of their exclusion from staff privileges by a non-profit hospital corporation because, they allege, the hospital Board of Trustees is hostile to their group practice of medicine. The complaint in their case is based on the Civil Rights Act, 42 U.S.C. 1983, which the doctors claim forbids discrimination by a private non-profit hospital when that hospital receives federal money under the Hill-Burton program and state funds for the care of indigents. It was urged by some members of the Committee that the discrimination alleged in the case was based on purely economic motives and that ACLU ought not to participate in such cases. Others questioned whether on the facts available we could conclude that the hospital authorities were functioning as state agents in denying access to staff privileges. It was the

sense of the Committee that the office communicate to the doctors our probable lack of interest in the suit with the understanding that we will not make any final decision on the case until the hospital's motion to dismiss the complaint on the grounds state action is lacking, is decided. Mr. Ennis asked the staff to report at the next meeting on the motion and on a similar case before the New York Supreme Court in Nassau County.

3. Senator Hart's Bill to Establish a Civil Liberties Commission. After a short discussion it was unanimously agreed that the idea of a Commission functioning in the civil liberties area was a good one and should be strongly supported by ACLU. The major discussion centered in the procedural protections for prospective witnesses contemplated by the bill. Mr. Lusky expressed the sentiment, concurred in by the others, that a Civil Liberties Commission, above all, should provide adequate due process guarantees for any who might be injured as a result of its investigations. It was noted that the bill as it is now proposed fails to provide subpoena powers for the Commission; Mr. Dorsen felt that it was unlikely such a measure would get through the Congress without having subpoena powers added to it, and that it was all the more important therefore to include due process protections for witnesses. Mr. Wulf reminded the Committee that in 1959 the ACLU had declined to enter a suit against the Civil Rights Commission by southern voting registrars who asserted that the right to learn the identity of witnesses against them, the content of their testimony and the right to cross-examine them was part of the due process required of legislative investigating bodies by the Fifth Amendment. The Committee agreed that it would not be bound by its decision not to enter that case (Hannah v. Larche, 363 U.S. 420 (1960)) in deciding what due process protections should be included in the Hart bill. It requested the staff to examine the provisions of the bill and recommend to the next meeting of the Committee specific provisions for inclusion. It was also agreed that the Hart bill would furnish a suitable focus for the Committee's reconsideration of ACLU's position on due process guarantees in all legislative investigations.

Next Committee Meeting: Wednesday, December 9, 1964.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

November 19, 1964

WORKING PAPER, NOT FOR PUBLIC DISTRIBUTION

TO: Board of Directors

FROM: The Office

RE: PROPOSED ACLU STATEMENT ON FAIRNESS DOCTRINE

The following statement was approved by the Radio-TV Committee at its November 18th meeting for submission to the Board.

"The American Civil Liberties Union's interest in radio and television derives from the First Amendment's guarantee of freedom of expression, a guarantee designed to assure citizens a diversity of information and opinion. The premise is that in a marketplace of conflicting ideas, the American public will be exposed to the broadest circulation of contrasting viewpoints which alone makes possible the ultimate exercise of freedom of speech and the press.

"This belief has guided the ACLU's support of measures adopted by the Federal Communications Commission to enlarge diversity of that most important medium of communications, radio and television. Because of the limited number of channels which technically can be developed in the radio and TV spectrum, government regulation is necessary to avoid chaos. Government regulation always carries with it the possibility of censorship, and the ACLU is especially sensitive to this danger. However, each FCC step toward actually increasing diversity -- without interfering with program content -- deserves the backing of civil libertarians eager to have the First Amendment guarantees utilized for the resolution of public issues.

"It is in this spirit that the ACLU endorses in principle the FCC's 'fairness doctrine.' In essence the doctrine says that if broadcasters are to operate their publicly-granted licenses in the 'public interest, convenience and necessity,' they must present different sides of important public issues. Recently the FCC has set forth certain standards to assure that different points of view would be expressed, and the Union fully supports these standards. They provide that: 1) where a licensee permits the use of its facilities for a personal attack upon an individual or organization, the licensee is required to give the person or group attacked time for an adequate response; 2) where a licensee permits the use of its facilties for any person other than a candidate for political office to take a partisan position on the issues involved in an election or to attack one candidate or support another, the station must give each candidate concerned a 'comparable' opportunity to answer. And finally, 3) where a licensee permits the use of its facilities for the presentation of views regarding issues of current importance, there must be similar opportunity for the expression of contrasting views accorded to other responsible groups within the community. (With regard to this third standard, the FCC goes out of its way to emphasize its applicability to the presentation of views regarding racial segregation, integration or discrimination.)

"In its various statements about the 'fairness doctrine,' the FCC has made clear that these standards will be applied on a basis of reasonableness and with a view to the facts of each particular situation. In addition much weight is to be given to the good faith judgments exercised by the licensee in each case. The Union agrees that in order to operate most effectively, the 'fairness doctrine' must and should

be applied in this reasonable manner.

"In some of its statements on the 'fairness doctrine', notably its July 26, 1963 statement, the FCC has specified certain procedural requirements which would necessitate, in certain circumstances, the submission of broadcast transcripts by licensees to persons or groups attacked. Although the Union strongly supports the principle of the 'fairness doctrine,' it does not at this time take any position on these procedural requirements. Indeed, it has strong reservations about their advisability and practicality. We suggest that the Commission re-evaluate them in the light of their own experience and the practicalities of the broadcasting industry, especially in the context of this last election campaign.

"With regard to the 'fairness doctrine' itself, the ACLU is not unmindful that when government action even approaches the area of content, dangers arise which may limit freedom of expression on the air. Particularly there is the danger that to avoid involvement with a government agency over interpretation of what is a controversial program, or where a dramatic or other non-discussion format presents an issue, the station management will simply remove the controversy from its programming. The fear is the station will play safe, thus depriving the public of needed exposure to controversy. Such a fear of government involvement with programming on the part of the broadcaster is understandable. But the broadcaster does have a responsibility as a public licensee and a challenging opportunity to acquaint his audience with a variety of points of view — especially when individuals and organizations are under specific attack and thus the particular controversy is very sharp.

"Government regulation not based on reasonableness or which does not consider whether the licensee acts in good faith, must be opposed, and the Union will act to oppose such regulation if and when it occurs.

"Not all problems have been solved in interpreting the 'fairness doctrine,' nor can they be until particular cases arise. For example where one side of a controversial issue is involved in a program other points of view might be presented in another format. The basic criteria is whether the public is exposed not to one but to a diversity of opinions. The way of doing this, consistent with the principle of fairness and reasonableness, should remain with the station. As the FCC stated in its July 1, 1964 'The History of the Fairness Doctrine':

> In determining in an individual case whether or not a licensee has complied with the fairness doctrine, the Commission looks solely to whether, in the circumstances presented, the licensee acted reasonably and in good faith to present a fair cross-section of opinion on the controversial issue presented. In making such a determination, an honest mistake or error in judgment will not be condemned, so long as the licensee demonstrates a reasonable and honest effort to provide a balanced presentation of the controversial issue. The question of whether the licensee generally is operating in the public interest is determined at the time of renewal on an overall basis.

"The successful working of democracy, indeed the exercise of freedom itself, is not always easy or simple. Effort is required, and broadcasters have the responsibility to make this effort, if their industry is to remain true to the democratic ideal that not one viewpoint, but many, are essential if the public is to know and understand the issues it alone must decide."

Working Papers - Not for Public Distribution

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

November 19, 1964

To: Free Speech Committee
From: George Soll
Re: Turner vs Robert F. Kennedy and John Edgar Hoover

A William W. Turner was discharged by the F.B.I., pursuant to a letter from J. Edgar Hoover setting forth four reasons: one - that he had repeatedly demonstrated by untrue and unjustified statements that he did not possess the truthfulness, accuracy and responsibility required by a Special Agent of the F.B.I. (This charge was based on the contents of letters written by the F.B.I. agent to Senator Kefauver and Congressman Celler); two - that he was not amenable to discipline; three - that he showed a poor attitude toward the F.B.I. and its Director; four - in letters to Senator Javits, Senator Kefauver and Congressman Celler he made unauthorized disclosures of highly confidential and highly secret information and investigations involving the internal security of the U.S.

On appeal to the Civil Service Commission, the Commission approved the discharge, although they eliminated charges two and four set forth above. Mr. Turner then appealed to the Federal District Court and Judge Burnita Shelton Matthews upheld his discharge without any opinion, stating that "there is no genuine issue of material fact involved herein". Mr. Turner appealed to the Circuit Court of Appeals for the District of Columbia. By a two to one decision the Court of Appeals sustained the District Court's judgment. The two judge majority wrote no opinion. The dissent written by Circuit Judge Fahy, who adopted the argument of Mr. Turner's attorneys (who are the Edward E. Bennett & Williams' firm in Washington, D.C.), stated that the discharge, which was based at least in part on the letters written to Congressmen by Mr. Turner, violated the Civil Service Act provision allowing civil servants the right to petition to Congress and also violated the First Amendment by abridging the right of people to petition the government for a redress of grievances.

The Constitutional provision, of course, is the First Amendment prohibition against abridging free speech and allowing the right of assembly. The statutory argument is based on the language of Section 652(d) of Title 5, of the U.S. Code, which reads as follows:

> "The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with."

Leaving aside the statutory basis of the argument, except to the extent that it presumably reaffirms a constitutional rights, the question remains whether any action can be maintained for the dismissal of a government employee because he has complained to a Congressman. I think there is a distinction between dismissing

someone for having complained to a Congressman and dismissing someone not for the complaint itself but for the form of the complaint, to wit, that it is full of misrepresentations, untruths, etc. Although this distinction is not articulated in any of the briefs that I have seen nor is it mentioned in Judge Fahy's decision in the Circuit Court, I think it is a most important distinction. For example, suppose a civil servant writes a letter to a Congressman which clearly indicates paranoid tendencies or some other unusual mental maladjustment, would not the fact that such letter showed these symptoms be a basis for dismissal even though the mere writing of a letter to a Congressman would not be such a basis? If the Committee agrees that this distinction serves as a basis for determining whether or not we participate in such type of cases then it is necessary to read the letters involved in order to make a factual judgment. If the Committee decides that the F.B.I. man cannot be dismissed regardless of the truth or falsity of that which is set forth in his correspondence, then, of course, the letters sent by him are of no importance.*

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* The Supreme Court denied certiorari on November 9, 1964.

AMERICAN CIVIL LIBERTIES UNION
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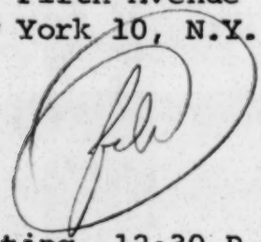

November 19, 1964

To: Free Speech Committee
From: Mel Wulf
Subject: November 24, 1964 meeting, 12:30 P.M., ACLU Office.

AGENDA

1. The Hatch Act. In June 1962, the Committee discussed the Hatch Act as a possible infringement of the political freedom of government employees. The Committee thought then that "limitations upon government employees' political activity was warranted in some cases but that the present scope of the Hatch Act was probably too broad." The office was instructed to examine the Act more particularly so that the Committee would have a better basis for deciding what amendments, if any, may be desirable.

   The fruit of that instruction is the enclosed memorandum by Thomas B. Marvell, of the University of Michigan Law School. Herb Channick's June 1962 memorandum is also enclosed. It will supply you with the details of the provisions of the Hatch Act.

2. Turner v. Kennedy. George Soll's memorandum is enclosed. Though, as you will note, the Supreme Court denied certiorari, the general question involved still survives.

3. Senator Hart's proposed bill to establish a Commission on Civil Liberties. The Biennial Conference recommended ACLU support of this proposal. The Board asks your advice.

4. Foreign Agents Registration Act. Progress report.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

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AGENDA

BOARD OF DIRECTORS MEETING

MONDAY, NOVEMBER 23, 1964 - 12:30 P.M.

ACLU OFFICES

1. Minutes of October 26 meeting.

2. Financial report.

ACTION

3. Radio-TV Committee report:

   (a) The FCC's Fairness Doctrine
   (b) ABC's firing of Lisa Howard for political activities.

4. Due Process Committee report on use of unsentenced prisoners as Government witnesses.

5. Nominating Committee report on filling 1 year Board vacancy.

6. Plans for ACLU membership meetings on shared time and capital punishment.

7. Proposed Agenda for plenary Board meeting in late March.

8. Academic Freedom Committee's recommendation for Committee membership.

9. Approval of Illinois Division's request for primary menbeship responsibility.

10. Florida Civil Liberties Union's request for Marshall Fund grant.

11. Allocation of Lawyers Constitutional Defense Committee contribution of $15,000 between Vigilance and Evans Funds (memo from Jack Pemberton enclosed).

INFORMATION

12. Legal Department report.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

SW-file

MINUTES

BOARD OF DIRECTORS MEETING

MONDAY, OCTOBER 26, 1964 - 12:30 P.M.

ACLU OFFICES

PRESENT: Mr. Angell, presiding; Messrs. Bierstedt, Black, Brown, Evans, Frank, Hacker, Heckscher, Kunstler, Lacy, Maslow, Miller, Millis, Prashker, Rice, Soll, Vladeck, Waring, Westin; Judge Kenyon; Mesdames Jacobs, Pilpel.

Office: Messrs. Pemberton, Reitman, Wulf, Adler, Neier, Haskell; Mesdames Floyd, Katz; Miss Strickland.

Visitors: Mr. Jeffery Fuller, Mrs. Patricia R. Harris, Mr. Charles Markman, Mr. Lloyd Smith.

1. Minutes. The minutes of the September 28 meeting were approved as circulated.

2. Introductions. The following guests were introduced and welcomed: Mr. Jeffery Fuller, Mrs. Patricia R. Harris, Mr. Charles Markman, and Mr. Lloyd Smith. The announcement of Mrs. Leanne Golden Katz's recent marriage was applauded.

3. Financial authorization of the Southern Regional Office. Mr. Pemberton inserted an item in the agenda requesting the Board to authorize the opening of a small bank account for the Southern Regional Office with Mr. Morgan's signature and those of his assistant, Jean Levine, and of Mr. Pemberton being the only valid ones authorized for the account. The motion authorizing such an account passed unanimously.

4. Church-State Committee recommendations. Mr. Pemberton put to the Board the recommendations of his October 15 memorandum deferring consideration of the issues of (1) tax exemption for churches, (2) public aid to church-related colleges and universities, and (3) shared time. Mr. Hacker suggested that the Academic Freedom Committee also be consulted on shared time and that the affiliates be encouraged to consult local educators for specific advice. After further discussion the Board unamiously adopted Mr. Pemberton's recommendations.

5. Due Process Committee recommendation. Mr. Wulf presented the draft of a letter to the Attorney General, prepared on the recommendation of the Due Process Committee, to ask "what the Department of Justice practice is with respect to the use of unsentenced prisoners as government witnesses, particularly where it seems that they remained unsentenced pending their testimony in another case." Mr. Wulf said that in preparing this draft he had asked U.S. District Attorney (Southern District, New York), Robert Morganthau, for further information on the status of defendants named in the draft. To date, no reply from Mr. Morganthau has been received, but an assistant District Attorney had

contacted at least two Board members to ask why we were inquiring and to point out that the Department of Justice would like to know directly criticism of it before reading about it in the newspapers. Mr. Soll questioned the conclusion stated in the last paragraph of the draft and felt the letter should be delayed so that the staff might talk with Mr. Morganthau first. Mr. Prashker and Mr. Rice added that they felt the scope of inquiry needs to be enlarged beyond mere delay in sentencing. Judge Waring stated that the inquiry should be broader than to the Justice Department, that it should go to the Judicial Conference of the U.S., as well. He then moved that the issue should be returned to the Due Process Committee for further consideration. This motion was seconded and carried unanimously.

6. Consideration of THE STRANGE TACTICS OF EXTREMISM. Mr. Reitman put the questions raised by his memorandum of October 15, previously circulated. Circulated at the Board meeting was the copy of a letter from National Committee member, Sylvan Meyer, attached to these minutes.

The general feeling of the Board, after much discussion, was that the Overstreet book is not the most competent work in this field but rather compiles and condenses what has already been said better by others. Mr. Bierstedt suggested that the ACLU could review the book in the monthly Civil Liberties without promoting it, though Judge Kenyon reminded the Board that this is a question of editorial policy. Mr. Rice moved that the first alternative presented by Mr. Reitman be adopted; that is, that the ACLU should not purchase or distribute copies of the Overstreets' book at all. The motion passed unanimously. During the discussion Mr. Kunstler suggested that we should perhaps consider eventually distributing a book which the ACLU wholeheartedly supports. The Board did not alter its 1951 position to say that we should never favor a particular book, deciding to examine individual situations as they arise.

Mr. Reitman then asked what guidance the Board could give on the broader questions raised by his March, 1962 memorandum, recirculated with the current one on the Overstreet book, concerning the Union's role in cooperating with other organizations concerned with preservation of the democratic process. The Continuations Committee of the Greenwich Conference (an organizational clearing house) was brought up and Mr. Maslow urged the Union to continue to be represented on the Committee to insure that civil liberties concerns be expressed. Since the Greenwich Conference is not an organization as such, this does not obligate ACLU. Moreover, he pointed out that the Committee's mandate is the entire spectrum of threats to the democratic process and is thus not confined to the prevalent preoccupation with the ultra-right. Mr. Reitman emphasized that regardless of the source of attacks on civil liberties (campaigns to oust teachers, removal of textbooks and censorship of libraries) the Union would continue to press our specific points of interest. Mr. Angell mentioned the newly-organized National Council for Civic Responsibility which has as its announced task the answering of ultra-right attacks in the same media which carry the original attack. The office plans to consult with the Council to determine how we may, within our special civil liberties area, cooperate. Mr. Westin suggested that the Council may also seek to do two things: (1) Put pressure on the FCC to move into the area of content supervision; and (2) Raise the issue of tax exemption of right wing organizations.

7. The Warren Commission Report. Mr. Pemberton said that since the mimeographed draft of a proposed ACLU statement was circulated with the Board material, the staff had reconsidered and felt that Mr. Fraenkel's statement should be treated as follows: Points #1 and #2 should not be made unless

the pending policy studies on right to counsel and prejudicial publicity enabled the Union to say something more than the December 6, 1963 statement did. Point #3 should be subjected to more thorough study and should be brought before the Board at a later date, considerably expanded. Mr. Kunstler felt that point #1 (the right to counsel) needs further clarification by the Union, especially in light of the Escobedo v. Illinois decision.

Mr. Vladeck felt that the ACLU should not issue any statement on the Warren Commission Report which does not deal with the defendant's right of counsel and that all three points should be referred back to the appropriate committee. Mrs. Pilpel remarked that to take the word of law enforcement officials (as does the draft in point #1) that all rights of an arrested person had been observed is fundamentally contrary to good civil liberties sense. It was agreed that futher steps be taken in accordance with this discussion, and a further draft be brought to a future Board meeting.

8. The Dan Smoot broadcasts. Mr. Reitman reported that last June, Dan Smoot, a radio commentator based in Texas and syndicated to 133 radio and TV stations, attacked several civil rights and civil liberties organizations: American Jewish Congress, Congress of Racial Equality, National Association for the Advancement of Colored People, National Council of Churches, National Urban League, and ACLU. Then in July, Mr. Smoot attacked the ACLU alone. We recently joined the five other organizations in writing to the 133 stations involved asking (1) did the station carry the original program; (2) is the station aware of the FCC fairness doctrine's requirements; and (3) if the station carried the program, will it grant us free time to reply.

9. Radio-TV Committee report. Mrs. Pilpel reported that the Radio-TV Committee had considered the question of whether President Johnson's recent speech dealing with Khrushchev's resignation and Red China's explosion of a nuclear weapon required the granting of equal time under §315 to the opposing candidates. The Committee unanimously approved the FCC's ruling. The Committee, however, anticipates a more fruitful discussion of §315 itself, when the results of a comparison of total candidate broadcast time (and minority party candidate time) in the 1960 campaign (when §315 was suspended by act of Congress) and the current one is completed. Such a study is under way in the FCC and the committees of the two houses of Congress.

10. NYCLU Fund Raising Campaign. Mr. Neier urged Board member participation in a series of NYCLU fund raising receptions scheduled for this month and next. He also said that Mr. Charles Morgan, of the Southern Regional Office, would participate in some of these.

11. Affiliate tours by Mr. Haskell. Mr. Haskell reported on a recent visit to the Florida affiliate which is attempting to strengthen its organization, and to Birmingham, Alabama where he met with fifteen people who are interested in organizaing an Alabama affiliate of ACLU.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

MINUTES

BOARD OF DIRECTORS MEETING

MONDAY, NOVEMBER 23, 1964 - 12:30 P.M.

ACLU OFFICES

PRESENT: Mr. Angell, presiding; Messrs. Bierstedt, Black, Brown, Ennis, Evans, Frank, Fraenkel, Hacker, Heckscher, Jones, Miller, Millis, Rice, Soll, Whiteside; Judge Kenyon, Mesdames Jacobs, Pilpel.

Office: Messrs. Pemberton, Reitman, Wulf, Adler, Haskell, Morgan, Bucholz, Fuller; Mesdames Floyd, Katz; Miss Strickland.

Visitors: Norman Thomas, Roger Baldwin, Edward Stark, Matthew Stark (Minnesota Branch Board member disignee), Charles Markmann.

1. Minutes. The minutes of the October 26 meeting were approved as circulated.

2. Introductions. Mr. Edward Stark from the Minnesota affiliate, and his father, were welcomed. Mr. Roger Baldwin and Mr. Norman Thomas were given a special welcome as the only survivors of the original 1917 committee which was the predecessor of the ACLU. Mr. Seymour Bucholz was introduced as the new assistant legal director.

3. Norman Thomas's 80th birthday. A birthday cake was presented to Norman Thomas in celebration of his 80th birthday. He responded graciously remarking that of all his associations with various institutions, his with the ACLU has been the most successful.

4. The Ultra-right. Mr. Angell remarked on his observation of the strength of "know-nothingism," to which Mr. Thomas added that in his rather extensive travels in the U.S. during the recent campaign, he had never seen so much persecution of individuals or evidence of extreme bigotry in all parts of the country (e.g. bomb threats, phone calls, hearses and death notices). Many of the participants in such activities are young people which makes it all the more disturbing.

5. Financial report. Mr. Pemberton presented the operating statement of the ACLU from January 1, 1964 through September 30, 1964 as previously circulated to the Board members, and stressed the need to overcome the current excess of expenditure, in relation to income, measured by the year's projections.

6. Radio-TV Committee report. Mrs. Pilpel summarized the proposed "fairness doctrine" statement, previously circulated, stressing the Committee's view that on the whole the fairness doctrine could advance diversity on the air. She noted the Committee's concern with the FCC requirement that broadcast transcripts be submitted by licensees to persons or groups attacked, as such a requirement might prove so onerous to broadcasters that they would seek not

to program controversy at all. She said this concern would be expressed to the FCC with the request that the Commission re-evaluate this requirement in the context of actual station experience.

Mrs. Pilpel also presented the case of Lisa Howard who was suspended from her job as a newsbroadcaster for ABC for engaging in political activities during the recent campaign and who was subsequently discharged altogether from that network. Miss Howard has objected through her attorney that she has been blacklisted and the Radio-TV Committee has decided to investigate in the following ways: They will write to ABC asking for the facts in this particular case, and also will write to all the major networks asking for their policy regarding participation in partisan activities by the employees. The Committee has no recommendation at this time concerning the case.

7. Due Process Committee report on use of unsentenced prisoners as government witnesses. Although there is no formal report at this time, Mr. Ennis asked the Board's approval to send a letter to the Attorney General asking what is the Justice Department's position on the use of unsentenced prisoners. This approval was given unanimously.

8. Plans for ACLU membership and plenary Board meetings. Mr. Pemberton proposed to the Board that the issues of shared time and capital punishment (which the affiliate membership will be considering during January and February) be on the agenda for the plenary Board meeting in late March as well as the recommendations of the Free Speech and Association Committee and of the affiliate boards on the subject of libel. The Board approved these additions to the agenda.

9. Academic Freedom Committee report. Mr. Bierstedt asked the Board to approve the addition of the following members to the Academic Freedom Committee: James Gutmann, Samuel Hendel, Robert J. Schaefer, Father James C. Finlay, Donald G. Herzberg, Norman Klein, and Dennis O'Connor. He also requested that permission be given to exceed the set number of the Committee (which is 27 members) by one, bringing the total membership to 28. The Board unanimously gave its approval to Mr. Bierstedt's requests.

10. Illinois affiliate primary membership responsibility. Mr. Haskell reported the recommendation of the National Development Council's Steering Committee that beginning January 1, 1965 the Illinois affiliate be given primary membership responsibility. He explained that though the Illinois affiliate will shortly be without an Executive Director it has hired someone to be responsible for the membership-financial aspect of their program, and its board's assumption of responsibility for the success of the change and the use of it in enhancing development work was viewed with enthusiasm by the Steering Committee. The Board approved the NDC's recommendation unanimously.

11. Florida affiliate. Mr. Wulf asked the Board's approval of a $600.00 Marshall Fund grant to the Florida affiliate for the purpose of doing research into that state's use of the death penalty in rape cases as applied to white and Negro defendents. The money would be used to pay the travel expenses of volunteer law students going into the 67 counties to examine records. The question was raised whether or not this money would be better spent supporting litigation which is often more effective than research as such, but Mr. Wulf

explained that this particular research is oriented to litigation for it will be presented as evidence in the next pertinent trial. A motion approving this grant passed unanimously.

12. LCDC grant. Mr. Pemberton proposed that the $15,000 given to LCDC at its inception be allocated equally between the special-purpose Evans fund and the general-purpose Vigilance fund. The Board unanimously approved his proposal.

13. The FBI: Hoover's statement regarding M. L. King. Mr. Pemberton presented a draft response to Mr. Hoover's recent statement characterizing Dr. King as "a notorious liar." Much discussion ensued and the following points were made: Mr. Brown felt that we should make no statement defending Dr. King for enough individuals and groups had already done this quite effectively, as had Dr. King himself. Mr. Ennis agreed that the ACLU would add nothing at this point by characterizing Mr. Hoover's statement as "irresponsible" but should instead examine the way in which the FBI is enforcing civil rights laws and the way in which they investigate civil rights complaints. Mr. Fraenkel raised the question of what percentage of the FBI agents investigating civil rights complaints were sent in from outside FBI offices, the point being that the local FBI worked constantly with local law enforcement officers on other law-enforcement problems. Mr. Morgan emphasized this aspect and pointed out that the fact that there is no separate civil rights department in the FBI compounds the problem. In view of the FBI's responsibility for routine crimes, Mr. Ennis suggested that civil rights problems should be transferred outside of the FBI to another agency or at least be segregated to a separate unit within the FBI, and that we should specifically re-raise with the Attorney General these alternatives. However, Mr. Whiteside questioned Mr. Fraenkel's position, suggesting that we should not tell the FBI how to do its job.

It was moved and passed unanimously that the office write the Attorney General urging a reexamination of the methods of investigating violations of civil rights and that a public statement be made about this.

14. Legal Department report. Mr. Wulf reported that currently the ACLU has 30 cases pending in court (either as counsel or as amicus curiae) and that the legal department would request a Marshall Fund grant to cover the expenses of a very substantial increase in litigation this year.

15. Virgin Islands Constitutional Convention. Mr. Pemberton reported for Mr. Baldwin that the president of the Virgin Islands legislature has asked the ACLU to enlist advisors to the Constitutional Convention set for December 8, and in response Mr. Baldwin has invited several legal authorities to serve at the expense of the legislature: former ambassador Adolf Berle, Judge William Hastie (former governor), and Professor Munoz Amato of the University of Puerto Rico.

16. Constitutional Committee report. Judge Kenyon reported that the Constitutional Committee unanimously recommends a proposal which would authorize a Board of from 25 - 100 members to permit an immediate increase of 33 in the membership of the Board, one additional member to come from each affiliate, to be its executive director or a member of its board designated by that board. This proposal would be acted upon by amendment of the Certificate of Incorporation at a formal meeting of the corporation (at the time of a future board

meeting) and amendment of the Union's Constitution and By-Laws to be voted upon in the course of conducting the forthcoming election of directors (for positions among the present 35 directorships). Because the particular enlargement is viewed in the Biennial Conference recommendation calling for it as an experiment, no other constitutional amendment than one enlarging the number would be proposed. Instead, for the period until the next Biennial Conference reviews the experiment, the affiliates' designated representatives will be added to the Board by exercise of the Board's power to fill vacancies. (Judge Kenyon reported that her reference to this being done under a "gentleman's agreement" won her, from one member of the Consitution Committee, a nomination for recognition as "an honorary gentleman.") The Committee will proceed to take the steps outlined.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

OPERATING STATEMENT 1/1-9/30/64

	Actual 1/1-9/30/64	Cash Flow Projection
INCOME		
Member Contributions	$720,689.91	$690,830
Misc. Natl. Org. Receipts		
The Vigilance Fund	25,605.00	605
Transf. from Emergency Exp. Fund	12,023.69	15,000
Southern Regional Office	1,416.67	—
Transfer from Fund B of amount of its 1963 deficit, into general fund	2,838	—
Other	11,767.40	7,268
	$774,340.67	$713,703
EXPENDITURES		
Affiliate Transfers	$343,919.85	323,000
Membership Dept.	121,685.73	112,692
Functional Dept.	123,534.60	114,869
Executive Dept.	55,153.04	52,200
Joint Expenses	52,421.03	49,331
Grant to Calif. Affiliates	25,000.00	—
Contribution to LCDC*	15,000.00	—
	$736,714.25	$652,092
OPERATING NET INCOME	$37,626.42	$61,611

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EXTRAORDINARY RECEIPTS

EMERGENCY EXPANSION FUND	
Natl. Quota Raised	$1,275
Affil. Quota Raised	1,700
TOTAL EMERG. EXP. FUND	$2,975
BEQUEST RECEIPTS	$40,491.62

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NET WORTH

	12/31/63	9/30/64
General Fund	($10,094.53)	$26,719.89
Emergency Expansion Fund	15,371.62	6,322.93
Vigilance Fund (formerly Bequest Reserve)	51,262.89	74,961.51
Endowment Fund	48,706.28	48,706.28
Robert Marshall Fund	35,355.18	32,658.82
Edmund C. Evans Mem. Fd.	15,877.22	16,176.97
Fund "B"	--	6,251.00
So. Regional Office	—	3,578.83
	$156,478.66	$215,376.23

*Appropriated subject to subsequent determination by the board whether to be from Vigilance Fund, Edmund C. Evans Fund or both

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

Minutes
Free Speech and Association Committee Meeting
Tuesday, November 24, 1964, 12:30 P.M.
ACLU Office

Present: Soll, presiding; Millis, Fingerhood, Galantiere, Evans, Channick, Lowenstein.
Guest: Markman
Staff: Bucholz, Pemberton, Reitman, Wulf

1. Senator Hart's Proposed Bill to Establish a Civil Liberties Commission. Mr. Wulf reported the essential provisions of a bill to be introduced by Senator Hart at the next session of Congress to establish a body analogous to the Civil Rights Commission which would concern itself mainly with First Amendment and due process issues. Several members of the Committee expressed the desire to have ACLU support the principle of the proposed commission but voiced reservations about whether the bill contained adequate due process protections for witnesses called before it and for persons whose reputations might be damaged by publicity given to its deliberations, even though the bill provides no subpoena powers in its present form. It was moved, seconded and carried that the Committee recommend to the Board the approval in principle of the Hart proposal, while at the same time taking note of the Due Process Committee's concern with the lack of certain due process protections in the bill (see Due Process minutes of Nov. 19, 1964); it was understood and agreed by Committee members, based on the report of the Staff, that the Due Process Committee planned to recommend to the Board the inclusion in the draft bill of specific due process guarantees for persons affected by the Commission's operations.

2. Turner v. Kennedy. The Committee discussed the policy issue posed by the dismissal of the case of William W. Turner from the F.B.I. As the November 19, 1964 memo from George Soll points out, Turner was originally charged by J. Edgar Hoover with: (1) demonstrating by statements in a letter to several members of Congress that he did not possess the truthfulness and accuracy required of an FBI agent; (2) that he was not amenable to discipline; (3) that he showed a poor attitude toward the F.B.I. and its Director; (4) that his letters to members of Congress disclosed confidential and secret information. The Civil Service Commission sustained the discharge but dropped charges 2 and 4. A Federal District Court and a Court of Appeals upheld the dismissal, and the Supreme Court recently denied certiorari.

One member proposed that the Committee first decide whether Turner's dismissal violated the terms of 5 U.S.C. 652 (d) which forbids denial of or interference with the "right of persons employed in the civil service... to petition Congress... or to furnish information... to any... member thereof". Others felt the ACLU ought not concern itself with statutory construction but should take a broader look at whether the dismissal of Turner violated First Amendment principles. Still a third alternative proposed was that the Committee proceed to look at the large question of what restrictions on public statements by civil service employees, federal, state and local, are justified by considerations of national security, public safety, and efficient operation of governmental agencies. It was generally agreed, since participation in the Turner case had been precluded by the Supreme Court's recent denial of certiorari, to discuss further the general question of the limits on dismissals of civil servants for statements critical of their agency or superiors, especially statements made to members of Congress.

Mr. Millis observed that the basic question he saw before the Committee was whether letters written to Congressmen couldn't be used as evidence that a civil servant was guilty of untruthful statements and a poor attitude toward his work. He posited the example of a man who made statements in letters to legislators exhibiting senility or paranoia and concluded that he could not see why the First Amendment barred using such statements to support a dismissal. (The Soll statement of November 19, 1964, previously distributed, also took this position). Miss Fingerhood advanced the position that statements to legislators should be absolutely privileged in order to insure that the protection for the right of civil servants to criticize agency policies or personnel would not be whittled away by administrative decisions on the content of the criticism.

Several members suggested analogies between the Turner problem and dismissals of school teachers on the local level for criticism of their superintendents or school boards. Messrs. Channick and Lowenstein suggested that the scope of the freedom to make public statements about the nature of agency operations may depend on the extent to which national security is involved; e.g. employees of the F.B.I., Secret Service, and the War Room at the Pentagon may have more restricted freedon to criticize than employees of the Census Bureau. Other members of the Committee recalled that ACLU had debated the problem of public statements critical of current policy made by military officers. Mr. Wulf suggested looking at the dismissals of two civilian employees of a U. S. agency in the Panama Canal Zone based on their alleged public attacks on U. S. policy there during last year's riots. The Committee finally agreed:

1. The Committee's inquiry should be broadened beyond the <u>Turner</u> case;

2. The staff should collect material formerly prepared on the rules and procedures governing public statements by military officers;

3. The Staff should seek to obtain through the Legislative Reference Service in Washington, D. C. information on whether any other dismissals of civil service employees have involved the terms of 5 USC 652 (d).

4. The matter should come back for Committee discussion after the additional information listed above has been assembled and made available.

3. ACLU Policy on the Hatch Act.

Mr. Soll reviewed previous Committee consideration of the Hatch Act (PS/A Minutes June 18, 1962; June 20, 1963), noting that the Union has not taken any position on the Act's restriction in Sec. 9 (a) of political activity for federal employees. In United Public Workers v. Mitchell, 330 U.S. 75 (1947) a majority of the Supreme Court upheld the constitutionality of Sec. 9 (a) on the grounds that the First Amendment did not forbid partial restriction of the scope of political activity of federal employees in the interests of an impartial and non-political civil service system.

In previous Committee discussions of the Hatch Act, the view was expressed that the restrictions of the Act are unnecessarily broad and ought to be reviewed carefully in light of the greatly increased number of federal employees and the continual reduction in the number of patronage jobs. Proponents of this view agree with the dissenters in Mitchell that no overriding governmental necessity compells the exclusion from political activity of persons in non-sensitive, non-influential positions, such as lower level clerical, custodial, industrial, etc. They have suggested an ACLU policy that differentiates between the latter and those able to use their positions to manipulate government policy, or coerce inferiors.

The Committee considered previously submitted working papers, including the paper, "Policy Considerations Relevant to Hatch Act Repeal or Modification", prepared for the Committee by Thomas Marvel. After some debate, it was decided to seek further information as to the experience of the British Civil Service, which recognizes distinctions in grade for purposes of a ban on political activity, and to circularize with questionnaires the leaders of national and local civil service associations to ascertain what specific damage is done by current Hatch Act provisions and to solicit suggestions for broadened political freedom under it and comparable local laws. The Committee also authorized the staff to interview, if possible, Civil Service Commission experts with some experience in enforcing the Hatch Act. A question which proved particularly troublesome to the Committee, and which it hoped further research would resolve, was whether, if the absolute ban on political activity were rescinded for lower grade civil servants, the latter could be protected from unauthorized coercion from their superiors aimed at utilizing their off-duty time for political party electioneering.

Pending Business Reports:

1. Mr. Lowenstein reported on his preliminary review of the Foreign Agents Registration Act. He was requested to prepare for the Committee an outline of the free speech issues presented by it and related legislation.

2. Mr. Channick reported on his examination of the problem of newspaper rejection of advertising deemed too objectionable to publish, and stated that the Committee should concern itself with the question of the right of access to newspapers as a non-regulated communications medium.

Mr. Lowenstein and Mr. Channick were asked by the Chair to report fully at the next meeting of the Committee.

3. Mr. Soll called the Committee's attention to two resolutions adopted by the Biennial Conference at the Plenary Session on Civil Liberties and the Cold War:

"1. ACLU should restate its opposition in times of peace or cold war to the continuation of measures, repressive of citizens' rights as guaranteed by the Constitution, which were enacted in times of genuine war emergency.

"2. There should be referred to the National Board for further study, the issue of ACLU defense of disobedience on grounds of conscience, of measures allegedly justified on grounds of military necessity or of danger to the state, where suppression of such right to conscience may or may not be justified by danger to the state."

The second resolution is being discussed by three ACLU affiliates: Michigan, New York and NCACLU. The National Board referred the first to the Free Speech Committee for consideration in light of Mr. Millis' Conference paper and the discussion had at the Plenary session. Copies of Mr. Millis' paper and the report of the session will be distributed to Committee members shortly.

Next meeting: January 8, 1964, 12:30 P.M., at the Union's office.

WB
SW

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

November 23, 1964

LEGAL DOCKET - NATIONAL OFFICE

SUPREME COURT OF THE UNITED STATES

ACLU Supported Cases:

1. Stanford v. Texas. Oct. Term, 1964, No. 40.
Whether seizure of two thousand publications under a search warrant issued pursuant to the Texas Suppression of Communist Party Act is an unreasonable search and seizure in violation of the Fourth Amendment. Whether the Texas Suppression of Communism Act and Communist Control Law violate the First Amendment and have been superseded by federal legislation. Argued November 12, 1964. Maury Maverick, Jr., San Antonio, Texas; John J. McAvoy, Melvin L. Wulf, and Stephen W. Stein, N.Y.C., for petitioner.

2. Holt and Dawley v. Virginia. Oct. Term, 1964, No. 464.
Constitutionality of summary contempt conviction of two civil rights lawyers because of contents of motion for change of venue, namely, "that the Court is now in effect and/or in fact acting as police officer, chief prosecution witness, adverse witness for defense, grand jury, chief prosecutor and judge." Petition for certiorari filed September 8, 1964. Melvin L. Wulf, Leslie H. Levinson, New York City; Jordan, Dawley and Holt, Norfolk, Va., for petitioners.

3. Pate v. Page. Oct. Term, 1964, No. 426 Misc.
Whether pre-trial television and press coverage denied a fair trial to petitioner who was convicted of murder and sentenced to death. Also raised is the question of the adequacy of the Oklahoma statute which establishes a very limited procedure for determining pre-execution sanity and the question whether the Oklahoma legislature has impliedly repealed capital punishment. Petition for certiorari filed September 1, 1964. Melvin L. Wulf, Leslie H. Levinson, New York; Kenneth Kienzle, Shawnee, Oklahoma, for petitioner. (Cert. denied Nov. 9, 1964)

4. McReynolds and Pappenheim v. Christenberry. Oct. Term, 1964, No. 605
Whether Section 4008, Title 39, United States Code, which regulates the importation and distribution of "foreign political propaganda" is constitutional. Petition for certiorari in advance of decision by Second Circuit filed October 20, 1964. Nanette Dembitz and Melvin L. Wulf, New York City, for petitioners.

Amicus Curiae Briefs:

5. Calhoon v. Harvey. Oct. Term, 1964, No. 17.
Argues that private suits may be filed under the Labor-Management Reporting and Disclosure Act of 1959 prior to union election in order to challenge validity of election; and that the statute's post-election remedy is not exclusive. Thomas Christiansen, Melvin L. Wulf, New York City, for the ACLU.

6. Dombrowski, et al. v. Pfister, et al. Oct. Term, 1964, No. 52.
Argues that the Louisiana Communist Control Law and Subversive Activities Law are invalid on their face and as applied to the Southern Conference Educational Fund and the National Lawyers Guild. Louis Lusky and Melvin L. Wulf, New York City; and Leonard Dreyfus, New Orleans, Louisiana, for the ACLU and the Louisiana CLU.

7. Freedman v. Maryland. Oct. Term, 1964, No. 69.
Argues the unconstitutionality of Maryland's movie censorship statute which requires review before exhibition. Edward De Grazia, Washington, D.C.; and Melvin L. Wulf, New York City, for the ACLU and the Maryland CLU.

8. Beck v. Ohio. Oct. Term, 1964, No. 18.
Argues that a search without warrant is per se unreasonable where there was ample time to secure a warrant; that there was insufficient probable cause to conduct the warrantless search in this case; and that an arresting officer must disclose the identity of an informer in order to permit the Court to determine whether probable cause for a search existed. Bernard Berkman, Cleveland, Ohio; and Melvin L. Wulf, New York City, for the ACLU and the Ohio Civil Liberties Union.

9. Veterans of the Abraham Lincoln Brigade and the American Committee for the Protection of the Foreign Born v. Subversive Activities Control Board. Oct. Term, 1964, Nos. 65 and 44.
Argues the unconstitutionality on its face of the Communist Front provisions of the Subversive Activities Control Act of 1950. Marvin M. Karpatkin and Melvin L. Wulf, New York City, for the ACLU.

10. United States v. State of Mississippi, et al. Oct. Term, No. 73.
Argues the unconstitutionality of several Mississippi voting statutes including its literacy and constitutional interpretation test, its good moral character test, and the State poll tax requirement. Francis Biddle, Washington, D.C.; Norman Dorsen, Melvin L. Wulf, and Bernard Harvith, New York City, for the ACLU.

11. Seeger v. United States; Jakobson v. United States; and Peter v. United States. Oct. Term, 1964, Nos. 50, 51 and 29.

Argues the unconstitutionality of Section 6(j) of the Universal Military Training and Service Act which provides exemptions only for conscientious objectors who believe in a Supreme Being. Melvin L. Wulf and Alfred Lawrence Toombs, New York City, for the ACLU.

UNITED STATES COURTS OF APPEALS

ACLU Supported Cases:

12. Colliflower v. Garland. Ninth Cir., No. 19170.
This appeal raises the question whether Indian tribal courts are subject to the due process clause of the Fifth and/or Fourteenth Amendments. Francis Conklin, S.J., Spokane, Washington; Melvin L. Wulf, New York City, for appellant. To be argued January 1965.

13. Johnson v. United States. Fifth Circuit, No. 21653.
Whether the scope and nature of court-ordered psychiatric examination of defendant were improperly limited; whether defendant intelligently waived counsel; whether summary contempt conviction was invalid and excessive. Melvin L. Wulf and Leslie Howard Levinson, New York City, for appellant. To be argued January 1965.

14. LaBat v. Sigler. Fifth Circuit.
Appeal from dismissal of writ of habeas corpus challenging rape conviction and death sentence on grounds of systematic exclusion of Negroes from jury service. Benjamin E. Smith, New Orleans, Louisiana, for appellant.

Amicus Curiae:

15. Rabinowitz v. United States. Fifth Circuit, No. 2156.
Argues that conviction of appellant was obtained by federal jury from which Negroes were systematically excluded, and that refusal to allow trial without jury was unconstitutional. Melvin L. Wulf, Maurice deG. Ford, New York City; Hugh Gibert, Atlanta, Georgia, for the ACLU and ACLU of Georgia.

16. Ginzburg v. United States. Third Circuit, Nos. 14742-14745.
Brief in support of appeal from conviction of publisher for sending obscene publications through the mail (Housewife's Handbook of Selective Promiscuity, Eros, and Liaison). Morey M. Myers, Scranton, Pa., Murry Powlen, Philadelphia, Pa.; and Melvin L. Wulf, for the ACLU and Pennsylvania CLU.

17. Hoffa v. United States. Sixth Circuit, No. 15876.
Argues the unconstitutionality of a conviction based upon evidence obtained by government informer inserted between the defendant and his attorney. Osmond K. Fraenkel, Melvin L. Wulf, New York City, for ACLU.

UNITED STATES DISTRICT COURTS

ACLU Supported Cases:

18. McBride v. Roland. Southern Dist. of New York, No. 64 Civ. 1510.
Complaint to secure security clearance from the Coast Guard for merchant seaman debarred because of past membership in Communist Party. Melvin L. Wulf and David B. S. Cohen, New York City, for plaintiff.

19. Harper v. Virginia State Board of Elections. Eastern Dist. of Va.
Action to declare Virginia poll tax unconstitutional as requirement for right to vote in state elections. Lawrence Speiser and Allison J. Brown, Jr., Washington, D.C.; Philip Schwartz, Arlington, Va., for plaintiffs.

20. Gordon v. Breazeale. Northern Dist. of Miss., No. GC 645.
Habeas corpus to vacate conviction of Negro for rape of white woman on grounds of systematic exclusion of Negroes from juries and coerced confession. Martin Bradley, Buffalo, N.Y.; Melvin L. Wulf, New York City; R. Jess Brown, Jackson, Mississippi, for petitioner.

21. Ritter v. Matthews. Northern Dist. of Texas, Civ. No. 9238.
Challenges discharge for civil rights activity of North Texas State University faculty member. Albert Levy, Herbert Landau and Marvin Menaker, Dallas, Texas, for plaintiff.

22. Smith v. Mississippi. Northern Dist. of Miss., No. GC 6440.
Whether a rape conviction and death sentence of a Negro may stand when based on a coerced confession; whether defendant's court-appointed lawyer failed to provide effective representation; and whether Negroes were systematically excluded from grand and petit juries. Melvin L. Wulf, New York City; R. Jess Brown, Jackson, Mississippi; Benjamin E. Smith, New Orleans, Louisiana, for petitioner.

23. Schwartz, et al. v. Board of Trustees. Southern Dist. of Ohio, Civ. No. 6611.
Challenges constitutionality of Ohio State University rule prohibiting campus speakers with "subversive" views. Jack Day and Bernard Berkman, Cleveland, for plaintiffs.

24. Kissling v. Rusk. Southern Dist. of N.Y., No._____.
Raises again the constitutionality of denying passport for travel to Cuba. Sanford Katz and Melvin L. Wulf, New York City, for plaintiff.

STATE COURTS

ACLU Supported Cases:

25. Ashton v. Kentucky. Kentucky Court of Appeals, No. W-125-64
Constitutionality of a conviction for criminal libel. Dan Jack Combs, Pikeville, Ky.; Ephraim London, William Hellerstein, Helen L. Buttenwieser, New York City, for appellant.

26. Harper v. Mississippi. Mississippi Supreme Court, No._____.
Appeal from conviction of Negro for attempted rape of white woman. Grounds include systematic exclusion of Negroes from grand and petit juries, coerced confession, illegal arrest, denial of counsel. Melvin L. Wulf and Bertram Perkel, New York City; and R. Jess Brown, Jackson, Mississippi, for plaintiff. Argued November 16, 1964.

Amicus Curiae Briefs:

27. Alabama v. Mills. Alabama Supreme Court, No. 950 (Sixth Div.)
Challenge of constitutionality of Alabama statute prohibiting newspapers from "electioneering" on election day. Charles Morgan, Jr., Birmingham, Alabama; Herbert S. Channick, New York City, for ACLU.

CASES DECIDED SINCE LAST DOCKET (June 1, 1964)

UNITED STATES SUPREME COURT

ACLU Supported Cases:

28. Marks v. Esperdy. Oct. Term, 1963, No. 253.
Constitutionality of Section 349(a)(3) of the Immigration and Nationality Act which provides for expatriation of native-born citizens who serve in the army of a foreign state. Affirmed by an equally divided Court. Murray A. Gordon, New York City, for petitioner.

29. Randall v. United States. Oct. Term, 1963, No. 1036 Misc.
Whether the Court of Military Appeals has authority to issue a writ of error coram nobis to review a court-martial conviction. Certiorari denied. Norman Rosenthal and Melvin L. Wulf, New York City, for petitioner.

30. Codarre v. New York. Oct. Term, 1964, No._____Misc.
Whether due process of law was violated by a state procedure which permits an epileptic 13 year-old to plead guilty to murder. Certiorari denied. O. John Rogge and Melvin L. Wulf, for petitioner.

Amicus Curiae:

31. Aptheker v. Secretary of State. Oct. Term, 1963, No. 461.
Whether Section 6 of the Subversive Activities Control Act which prohibits the issuance of a passport to any member of a "Communist organization" required to register under the Act, is constitutional. Reversed. Section 6 held unconstitutional. Osmond K. Fraenkel, New York City, for the ACLU.

32. Jacobellis v. Ohio. Oct. Term, 1963, No. 11.
Whether Roth v. United States should be overruled; the constitutionality of Ohio obscenity statute as applied to the film "The Lovers"; whether a statute which makes the mere possession of obscene material is constitutional. Reversed. "The Lovers" held not obscene. Bernard A. Berkman, Jack G. Day, Herbert B. Levine, and Fred D. Shapiro, Cleveland, Ohio; Melvin L. Wulf, New York City, for ACLU and Ohio CLU.

33. WMCA v. Simon. Oct. Term, 1963, Nos. 23, 27, 29, 41, 69.
Brief in support of reapportionment of the legislatures of four states (N.Y., Md., Ala., Va.). Reapportionment ordered. Robert B. McKay, Leo Pfeffer, Jack Greenberg, and Melvin L. Wulf, New York City, for American Jewish Congress, NAACP Legal Defense Fund, and ACLU.

34. Malloy v. Hogan. Oct. Term, 1963, No. 110.
This brief argues that the Fifth Amendment's privilege against self-incrimination is applicable against the states through the due process clause of the Fourteenth Amendment. Reversed. Privilege against self-incrimination held applicable to the states through the Fourteenth Amendment. Maurice Ford and Melvin L. Wulf, New York City, for ACLU.

UNITED STATES COURTS OF APPEALS

ACLU Supported Cases:

35. Davis v. Balkcom. Fifth Circuit, No. 1348.
Appeal from dismissal of an application for a writ of habeas corpus claiming systematic exclusion of Negroes from grand and petit juries in conviction for murder. Reversed. New trial ordered. Clarence Mayfield, Augusta, Georgia, for appellant.

Amicus Curiae:

36. Roberts v. Vance. Dist. of Columbia Circuit, No. 17801
Brief in support of an Army officer separated from active service on the grounds of having made a public speech without the Army's approval. Reversed on non-constitutional ground. Monroe H. Freedman, Washington, D.C., for the ACLU.

37. Baines v. City of Danville. Fourth Circuit, Nos. 9080, 9081, 9083, 9084.
This brief argues that a Danville ordinance intended to restrict public demonstrations and picketing is unconstitutional on its face. Partially reversed but mostly affirmed. Peter Weiss and Melvin L. Wulf, New York City; Fred Weisgal, Baltimore, Md., for ACLU.

ADMINISTRATIVE AGENCY

38. Hughes Tool Co., National Labor Relations Board. Nos. 23-CB-429, 23-RC-1758.
Brief in support of claim that racial discrimination is grounds for decertification of union as collective bargaining agent. Decertification upheld. Ruth Weyand, Washington, D.C., for ACLU.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

December 1, 1964

INSERT TO PAMPHLET: "Academic Freedom and Civil Liberties of Students in Colleges and Universities"
New Section D (to Part V: "Students as Private Citizens")
-- "Arrests for Civil Rights and Other Political Activities"

The arrest and/or conviction of a student for civil rights and other political activities such as those listed in paragraph (A) above should be distinguished by the college from arrests for criminal offenses not involving First Amendment considerations. In screening high school students for admission, college officials should take the position that the existence of an arrest and/or conviction record for civil rights and other political activities is irrelevant to the question of admission. However, even where the practice is to take cognizance of such an arrest, and/or conviction record, this inclusion should not be permitted to affect adversely the student's chances of admission.

An institution should not penalize in any way its own students who have participated in such activities as demonstrations on behalf of civil rights or riding so-called freedom buses. But, in addition, an institution should use its good offices to help students who are arrested for such activities to obtain bail and legal assistance. Ideally, the college itself should provide such assistance. If this is not feasible, then the administration should permit and encourage individual faculty, student, or alumni groups to render the help needed.

In order to protect the interests of students arrested for civil rights and other political activities, a college should separate the records of such arrests from other student records. In other words, such arrest records ought to be given a restricted status in order to obviate intentional or unintentional abuse. In order further to protect the interests of students, an institution should not make the

arrest records in question available to prospective employers, graduate and professional schools, or government agencies.

Both the United States Civil Service Commission and all similar state commissions require applicants to answer a question regarding arrests or convictions for any offense other than minor traffic violations. A student should answer such a question fully and accurately. Where the interrogation, arrest and/or conviction occurs as the result of civil rights activities, he should make it a point to specify in detail the circumstances, including the kind of court before which such a hearing took place. In this connection, the philosophy of the United States Civil Service Commission, as expressed in a letter to the ACLU from Chairman John W. Macy, Jr., dated May 12, 1964, is commended for the consideration of state and local commissions:

> "When the information furnished indicates that the arrest was in connection with a peaceful demonstration for civil rights or similar purposes, the arrest is not used by the Commission as a basis for disqualifying the applicant. When the arrest was for a more serious offense than peaceful demonstration for civil rights or similar purposes, it is considered on its individual merits in terms of the specific circumstances involved.
>
> "The Commission has a sincere concern that civil rights arrests not be used arbitrarily to disqualify applicants. Accordingly we have instructed our regional offices to submit to us for approval any cases in which they consider the circumstances so serious as to warrant adverse action. Our purpose in doing this is to assure review of these cases at the highest level of responsibility."

C O P Y

C O P Y

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

December 4, 1964

Mr. Robert Kintner, President
National Broadcasting Company, Inc.
30 Rockefeller Plaza
New York 20, New York

Dear Mr. Kintner:

In connection with its overall review of civil liberties' aspects of broadcasting practices, the Radio-Television Committee of the American Civil Liberties Union has recently been asked to consider whether or not, in its opinion, there are any civil liberties' implications in network and station practices and requirements regarding the participation by personnel in political activities or other matters of public controversy. These include news commentators, news analysts, current affairs moderators, entertainers and/or other persons connected with program talent.

We have as yet reached no conclusion regarding this matter. In order to help us evaluate whether civil liberties issues are involved in the network and station practices and requirements described above, it would be most helpful to us if you could supply us with information as to the following.

Do you impose any restrictions upon the personnel listed above with regard to:

1. Active participation in political campaigns (with or without the use of the names of the personnel involved in such campaigns);

2. The mere use of the names of the personnel in political campaigns without active participation by them;

3. The mere donation of money to political parties for use in campaigns;

4. The holding of office in political parties;

5. With respect to participation in matters of public controversy which are not strictly speaking political, such as birth control, civil rights, fluoridation, etc., do the same policies apply as to (1), (2) and (3) above?

6. Are there any restrictions with regard to non-political activities or contributions (financial or otherwise) such as to charities or religious organizations?

7. With regard to any of the above activities, do you make a distinction between performers on programs of news and public affairs and personnel who perform on entertainment programs?

We would be most interested also in any statement you would care to make as to the reasons behind the policy you hold and your views as to whether these policies are in any way involved with civil liberties.

Our Committee meets on December 16 and we would be grateful for a reply by that time.

Sincerely yours,

/s/ Alan Reitman
Associate Director

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AMERICAN BROADCASTING COMPANY

December 7, 1964

Mr. Alan Reitman
Associate Director
American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

Dear Mr. Reitman:

This is with reference to your letter to me dated December 4, 1964 in connection with your inquiry regarding participation by ABC news personnel in political activities.

The American Broadcasting Company believes it to be in the public interest to maintain the highest possible standards of news coverage, while presenting a diversified cross-section of newscasts, news analysis and news commentary.

In furtherance of this policy, no news broadcaster is asked or permitted to present broadcast material reflecting the editorial opinion of the American Broadcasting Company or that of a sponsor.

For the same reason, the management of the American Broadcasting Company imposes upon its news broadcasters the requirement of complete objectivity in the presentation of news material. Because of its potential effect on such objectivity, we do not allow news personnel to identify themselves with or to advocate publicly any political party or candidate while performing as newscasters.

Cordially,

/S/ Mortimer Weinbach

January 5, 1965

file

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

December 8, 1964

To: Due Process Committee

From: Sy Bucholz

Subject: Due Process Protections in the Hart Bill and in Congressional Investigations

At its last meeting, minutes of which have already been sent, the Due Process Committee decided to consider recommending specific due process protections for inclusion in Senator Hart's proposed bill to set up a Civil Liberties Commission which would function in much the same way as the Civil Rights Commission.

The Committee has also considered independently over the last two years the possibility of ACLU action aimed at improving and strenthening procedural protections for witnesses and others affected by the activities of all Congressional investigating bodies. (See draft report, "Congressional Investigating Committee Procedures," distributed before the last meeting.)

I urgently request that, prior to this Friday's meeting, Committee members examine carefully the Ellenhorn paper,* my enclosed memo of November 13, 1964, setting out current ACLU policy, and the enclosed "Code of Fair Procedure for Congressional Investigations" proposed by Will Maslow several years ago. Committee members should be prepared to recommend or oppose the specific procedural guarantees discussed in the above mentioned papers for inclusion in the Hart Bill.

The Code proposed by Mr. Maslow differs from ACLU policy in only a few respects:

1. Subpoenas: The Maslow draft permits subpoenas to be signed by anycommittee member and to be served a minimum of 2 days before a hearing. We have suggested they be signed only by Chairmen and served so that prospective witnesses have at least three days notice of their appearance.

2. TV, Radio, Press: The Maslow proposal would permit a witness to insist that he not be photographed by TV, radio, or press photographers while he is testifying. Our suggestion in 1954 was to exclude live and filmed coverage of hearings until fair procedures were adopted by investigating committees. Does blanket prohibition of photographing witnesses raise a First Amendment issue?

3. Composition of Committees: The proposed code permits cross-examination of witnesses by a person whom they have defamed in front of only one committee member. We have come out flatly against one-man subcommittees.

*Previously distributed.

4. Contempt: Refusal to answer a question properly asked by a committee is punishable under the code as a contempt of court, triable by a court without a jury. Most recently, in the Barnett case, we have taken the position that any contempt committed outside the presence of the court must be tried by a jury, if so requested.

As further background for the coming meeting, it should be noted that this Committee and the ACLU Board decided in December, 1959, against entering the case of Hannah v. Larche, 363 U.S. 420 (1960), in which Southern voting registrars unsuccessfully sought to establish a constitutional right to be informed of the nature of charges made about them in information given to the Civil Rights Commission by individual complainants and to cross-examine such complainants. Although it is not easy to tell from the minutes of the Board and the Committee what the precise reasons were for refusing to enter the case,it would seem that the Committee and the Board pinned their decisions on the proposition that a genuine investigatory hearing or proceeding of a body like the Civil Rights Commission is not adjudicatory and does not require the type of due process guarantees needed in proceedings which establish legal rights or in hearings, such as HUAC's, the sole purpose of which is to hold an individual up to public obloquy.

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COLUMBIA BROADCASTING SYSTEM, INC.

December 9, 1964

Mr. Alan Reitman
Associate Director
American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

Dear Mr. Reitman:

I have your letter of December 4, asking a number of questions concerning "network and station practices and requirements regarding the participation by personnel in political activities or other matters of public controversy," which the Radio-Television Committee of the ACLU is studying in connection with its "overall review of civil liberties' aspects of broadcasting practices."

CBS has long had a general policy applicable to all news personnel -- whether they do or do not appear on the air -- which provides that while they are free to participate as advocates of one side or another in any public issue of controversy, they do so subject to our policy that they thereby disqualify themselves from any function related to reporting on that issue for CBS News. In other words, if a news broadcaster or a news writer or editor actively participates in a political campaign, or permits his name to be used in such a campaign, we do not permit him to report on or to participate in the reporting on that campaign. There may, indeed, be circumstances where the nature of his job with CBS is such that this disqualification may, during the pendency of the issue or the campaign, make it impractical for him to perform his functions at all for the News Division or the station News Department. For example, a news writer or news editor at the station level may, if he cannot perform his functions in respect of a political campaign, create such difficult assignment problems (since it is impossible to bring in a substitute just for one section of a news broadcast) that we may find it necessary to relieve him of his duties during the campaign.

In essence, in establishing these policies, we have tried to leave the individual free as a citizen, while at the same time we have tried to protect the integrity and credibility of our reporting. And we feel that that credibility and integrity are compromised where an individual seeks to report on an issue in which he has taken a public position as a partisan or an advocate. We have felt that the proper accommodation is to permit him to act as he sees fit, but then to insulate him from dealing in the news area with facts relating to that issue.

In the last analysis, the rationale for this is precisely the same as the rationale underlying our policy which separates our editorial function from our reporting function. As you may know, most of our owned stations frequently editorialize -- some of them on a regular basis. But the editorial function is separated from the News Department, and we do not allow news broadcasters to deliver, or participate in the formulation of, station editorials. The applicable principle is no different from that generally applicable in good journalism -- the separation of the function of editorializing and advocating, on the one hand, from news reporting and news analysis, on the other hand.

With this background, the answers to your specific questions are as follows:

1. If any news person actively participates in a political campaign, with or without the use of his name, we do not use him to report on the campaign.

2. The answer to 2 is the same as the answer to 1: If the person in news permits the use of his name, he has aligned himself with one side, and hence we do not use him for reporting.

3. The question of donation of money by news personnel to a political party is hypothetical; it has not arisen.

4. The same is true on the question of the holding of office in political parties. I would certainly assume, however, that the news person who holds an office in a political party thereby disqualifies him from reporting on facts related to the activities of the party in which he holds office, or relating to opposing parties.

5. The foregoing policies apply not only to purely political issues, but also to other issues of public controversy.

6. There are no restrictions with regard to non-political activities or contributions, although news personnel must recognize that even association with a charitable organization may result in his not being able to handle the news about such a charitable organization if it becomes newsworthy. For example, it is possible to imagine a charitable organization which, for one reason or another, becomes newsworthy because of allegations of excessive administration expenses or the like. If the news person is associated with that charity, we do not believe that it would be proper for him to report the news about it.

7. We draw a sharp distinction between personnel in the News Division, on the one hand, and personnel in entertainment, on the other hand. Since the only purpose of the restrictions which I have described relate to the integrity and credibility of the news, they are inapplicable in the entertainment field. Hence, as far as our policies are concerned, those who perform on entertainment programs are perfectly free to engage in any outside activities involving public issues, without affecting their right to perform on entertainment programs. I should also note that in respect of other personnel, there is similar freedom so long as they have no supervisory role in respect of news. For example, the President of one of our Divisions, the functions of which

are entirely unrelated to news, was free to join, and did join, an organization which supported one of the Presidential candidates in the last election and to participate in its activities -- including the use of his name in advertisements in the press.

****

I trust that this provides you with the information which the Radio-Television Committee of the ACLU seeks.

Sincerely,

/S/ Richard S. Salant

January 5, 1965

AMERICAN CIVIL LIBERTIES UNION

156 FIFTH AVENUE

NEW YORK, NEW YORK 10010

December 11, 1964

To: Board of Directors

From: Alan Reitman

Re: Request for $1000 Allocation from Evans Fund for Printing and Distribution of Appendix to Brief in United States v. State of Mississippi

This 133 page Appendix, prepared by Kenneth Kemper, formerly a student at Brandeis University and now at the Columbia Law School, is an excellent historical survey of the voting discrimination suffered by Negroes in Mississippi from the Reconstruction era to the present. It was enthusiastically endorsed by such an eminent historian as James Silver of the University of Mississippi.

If the Board approves the allocation request, we plan to distribute copies of the Appendix to Political Science and Government Departments at a select number of colleges; to government officials; to law libraries; and most important to educational sources in Mississippi who Professor Silver will advise might best be able to use this information.

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

Minutes
Due Process Committee Meeting
Friday, December 11, 1964, 4:00 P.M.
ACLU Office

Present: Ennis, presiding
Dorsen, Lusky, McKay, Lasker, Frank.
Guests: Caplan, Maslow.
Staff: Bucholz, Wulf.

1. Senator Hart's Proposal for a Civil Liberties Commission. The Committee had before it a "Code of Fair Procedures for Congressional Investigating Committees" proposed by Will Maslow in his 1954 article in the Columbia Law Review. The Committee also had previously received the November 13, 1964 memorandum on ACLU policy with respect to due process in legislative investigations summarizing 1954 testimony given before the Senate Rules Subcommittee on Fair Procedure by Ernest Angell, and an additional memo comparing the Maslow Code with the testimony.

Continuing its discussion of the Hart Bill (see Due Process Minutes of Nov. 19, 1964), the Committee first considered whether the Maslow Code would be suitable for recommendation to Senator Hart as embodying the kind of due process protections the ACLU would like to see included in the Bill. Mr. Maslow and Mr. Dorsen opposed this on the grounds that it would be inappropriate to include in a bill setting up a Civil Liberties Commission in the Executive Branch the extremely detailed provisions which Mr. Maslow had proposed in his Code for adoption by Congress to regulate all of its investigating committees and subcommittees. After some discussion, the Committee agreed not to send the Maslow Code to Senator Hart and shifted its attention instead to a comparison of the Hart Bill provisions with ACLU policy as outlined in the memorandum of November 19.

The Committee felt that the Hart Bill provisions governing legislative purpose (Sec. 4(a)) and Commission composition (Sec. 5(f)) were adequate. It was pointed out by Mr. Bucholz that the Hart Bill failed to establish a minimum period of notice to be given to any person asked to appear at a Commission hearing. The Committee suggested that a rule of this nature would not be appropriate for inclusion in the legislation creating the Commission but agreed that Senator Hart should be asked whether such a provision could not be included in the Commission's rules of procedure when they are drawn up.

A majority of the Committee felt that the Commission would not be truly effective unless it had subpoena power and recommended that the ACLU suggest the inclusion of such a power in the bill.

The Committee felt that the provisions of the Bill with respect to right to counsel (Sec. 2(c)) were adequate.

Major discussion centered in the right of persons affected by Commission proceedings to rebut adverse testimony, specifically the right of cross-examination. Most members felt that the primary purpose of a Civil Liberties Commission would be to expose and even defame persons who consistently engage in denials of constitutional rights, rather than in investigative activity leading to legislative recommendations or criminal prosecutions, and that therefore it was imperative to give prospective witnesses and others injured by defamatory evidence some opportunity to cross-examine. Mr. Maslow argued that establishing a statutory right of cross-examination would lead to wrangles over the scope of examination, the nature of questions permitted, the number of "impeaching" witnesses called, and would encourage delays in hearings and misuse of the right. He urged the ACLU to support "recognition" of the right of cross-examination without having the statute "confer" such a right. After further discussion, including expressions of concern that we not advocate a right which by its very terms is illusory, the Committee agreed to phrase its suggestion in approximately the following terms:

> "A provision should be added to the Bill requiring that the Commission provide an opportunity, when defamatory testimony is offered in public hearings, for cross-examination in appropriate cases under reasonable limitations to be prescribed by the Commission in its rules."

The Committee felt that the Bill's provisions with regard to the screening of defamatory testimony, executive session hearings, and transcripts were satisfactory, and that any decision with respect to making free transcripts of testimony available to indigents could be left up to the Commission.

The Committee next considered whether there should be any restrictions on the broadcasting of Commission hearings by TV and radio. Three members of the Committee voted to recommend to the Board that ACLU take the position that no TV or radio broadcasting of the Commission's hearings be permitted on the grounds that even with a limited right of cross-examination, they are likely to be one-sided public "trials" of persons accused of systematically violating civil liberties, and that TV and radio coverage tends to distort testimony and disadvantage witnesses who are made nervous by it.

Three other members of the Committee argued that there be no restrictions on TV and radio coverage of Commission proceedings. In their view the major, and practically the only, value the Commission will have is as a means of dramatizing to all Americans the importance of civil liberties protections and the continued existence of civil liberties infringements. Left to newspaper reports alone, these members feel, the Commission will make no substantial impact during its limited term of office. The Board was asked to resolve the conflict in position.

At the conclusion of the meeting, the Chair asked Mr. Bucholz to prepare a draft letter to Senator Hart embodying the recommendations of the Committee for submission to the Board.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

WORKING PAPER -- NOT FOR PUBLIC DISTRIBUTION December 11, 1964

DRAFT STATEMENT ON CIVIL LIBERTIES ASPECTS OF POLICE MEMBERSHIP IN JOHN BIRCH SOCIETY

The judgment of people on the basis of their individual ability and competence, not their political beliefs and associations, is a cardinal civil liberties principle. This position, long upheld by the ACLU, supports the First Amendment guarantee of freedom of expression.

In recent weeks this principle has been challenged because of the disclosure that in many local communities members of the police force are also members of the John Birch Society. There has been considerable demand for the dismissal of such police officers, on the ground that the openly-avowed program of the Society is incompatible with this service as public employees, that such membership makes them incapable of dealing calmly and rationally, for example, with violence and racial tension, and to respect the constitutional rights of citizens.

This is not the first time this question has arisen. From time to time membership in other organizations whose philosophy and program are regarded as opposed to democratic values was suggested as a disqualification for public employment -- most notably members of the Communist Party and Catholic nuns who belong to religious orders should not be allowed to teach in public schools.

The ACLU reaffirms now in the John Birch Society case the same civil liberties standard it applied to cases involving members of the Communist Party and Catholic religious orders -- mere membership in any organization is not sufficient grounds for disqualification from employment. The right to associate for lawful purposes is a constitutionally-protected right and no public servant should be barred from exercising it. Public employees, including teachers and members of the police force, should be judged only by their official performance and actions. To do otherwise would not only deny individuals their constitutionally-guaranteed freedoms, but also create a climate of fear and suspicion which can only limit public employees from expressing their personal opinions -- to the detriment of society as a whole which needs the freest exchange of views by citizens.

Certainly public authorities should have discretion to inquire into the suitability of any member of the police force at any time, and especially when he receives any information which he thinks may reflect on the member's capability to perform his duties. Such information might include personal activity as a member of the John Birch Society which reflected adversely upon the impartiality and the attachment to democratic principles we expect law enforcement officers to demonstrate in the exercise of their authority. But the guiding standard for such inquiry should be personal activity, not mere membership in any organization.

THE NEW REPUBLIC *A Journal of Opinion Volume 151 Number 22 Issue 2610 November 28, 1964 Published weekly (except July and August when it is biweekly) and distributed by* The New Republic, *1244 19th St., N.W., Washington, D. C. 20036. Phone FEderal 8-2494. Single copy 35c. Yearly subscription, $8; Foreign, $9; Armed Forces personnel or students, $6.50. Send all remittances and correspondence about subscriptions, undelivered copies, and changes of addresses to Subscription Department,* The New Republic, *381 West Center Street, Marion, Ohio 43301.* *Copyright© 1964 by Harrison-Blaine of New Jersey, Inc.* *Item g. Second Class Postage Paid at Washington, D. C. Indexed in* Readers' Guide.

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Conspiracy on the Right

The National Director of Public Relations for the John Birch Society, former Congressman John H. Rousselot, says that a "substantial number" of the Society's membership are policemen. He may be exaggerating, or not have meant what he said. Nevertheless, it was learned last week that Birchers have tried to gain control of the Santa Ana, California, police department. They are engaged, an investigator reports, in "a power play to get the chief and replace him with someone over whom they could exercise control"; the chief has been the victim of anonymous phone calls before dawn, fire trucks sent to his home on false alarms, unordered flowers sent to him COD, and the theft of his badges. In Philadelphia too, 14 or 15 policemen are known to be members of the Society, and the mayor has said that henceforth they will be given restricted duty.

We are dealing here with a six-year-old, semi-secret society; "a monolithic body," according to its founder, Mr. Robert Welch, who adds that it operates under "completely authoritative control at all levels." Membership dues for men are $24 a year, for women $12. Membership may be revoked at any time by a duly-appointed officer of the society, "without the reason being stated." Directives are passed along through a monthly *Bulletin*. Members are encouraged to infiltrate such organizations as the PTA, to harass speakers at meetings, to create front organizations (such as the *Committee to Impeach Earl Warren* or the *Committee to Investigate Communist Influences at Vassar College*). Membership figures are confidential, but one good estimate is that they have doubled in the past year and are now slightly over 50,000. In 1963 in California, the Society had 300 chapters; today in that state it is believed to have 724. One-hundred-and-sixty people seem to be employed on its national staff. In a report filed in 1962 with the Commission of Charities in Massachusetts, the Society stated that it had that year an income of $826,000; in 1963, it reported income of a little over a million dollars. But in the December, 1963, *Bulletin*, Mr. Welch said: "At the end of 1963, we are running at the level of expenses of approximately $2 million a year," and that the Society was "pouring printed materials of the very best quality for the purpose out of here at the average rate of $20,000 worth in retail value every week, and getting it sold and read."

Mr. Rousselot's idea that "there is absolutely nothing wrong with police being members of the John Birch Society" deserves scrupulous

examination. If the Society were merely an educational association interested in the problems (or evils) of Communism, Mr. Rousselot's view would be hard to refute. But the Society appears to be much more than that. We say "appears," because so much is shadowy. We do know from the Society's literature that it is "political" in quite a different sense than, say, the Republican Party. In spirit and structure it resembles the American Communist Party, though the latter is far smaller, having today a membership in the neighborhood of 10,000.

But it's a free country. Why pick on cops for joining anything? There is a practical and important reason why. When any significant number of citizens lose confidence in the fairness, the impartiality of its police (or military) force, trouble is inevitable. If the public has reason to suspect that guardians of law and order – in New York City or St. Augustine, Florida – are refractory or biased, the public peace itself is put in jeopardy. And can one doubt that a great many citizens suspect the fairness and impartiality of members of an organization whose founder believes that "Milton Eisenhower is a Communist and has been for 30 years"; who thinks it "beyond any reasonable doubt" that "Dwight Eisenhower is a dedicated conscious agent of the Communist conspiracy . . ."; or who could say in 1961 that "Communist influences are now in almost complete control of our federal government"? What place have policemen in a clandestine organization whose head, in outlining how Birchers might take over the Republican Party, wrote in 1961: "We hope to increase our impact tremendously on the political scene, through education of others and dedication of ourselves, in 1962 and especially by 1964. . . . What is not only needed, but is absolutely imperative, is for some hard-boiled, dictatorial and dynamic boss to come along to deliver himself approximately as follows. . . . 'You fellows, over there, all of you, get the heaviest clubs you can find, spread yourselves out no more thinly than you have to along the whole length of this wall, and don't hesitate to break the heads of any saboteurs you find monkeying with it. Don't even hesitate to break the heads of those you find creeping toward the wall, if you are sure of their evil intentions, just as a warning to the rest of the dirty gang'."

When Mr. Rousselot says that "police membership is a private matter," he is in error. It is like the error some liberals made in the 1950's, when they thought it altogether wrong for public authorities ever to inquire into the associations of government employees. It *is* of concern to constituted authorities if a cadre exists within a law enforcement unit with private aims sharply at variance with those of constituted authority. The fact that there is no constitutional right to be a policeman is, however, an irrelevancy. Everyone, policeman or not, has a constitutional right to be dealt with fairly by government. Because that right is fundamental, no member of any police department ought to be disciplined or discharged without having had a full and fair hearing in which his exact connection with the Society is ascertained. But then what? Membership in or association with a group cannot be grounds for taking away a man's job or demoting him, unless the activities of the group in question are plainly proved to be incompatible with a man's official duties. That has not yet been plainly, and publicly proved. It cannot be unless the full story of the John Birch Society is on the record. We need to know what discipline it imposes, what in practice it does; in brief, we need a responsible investigation of the conspiratorial Right, centering on the John Birch Society, but extending to the Minutemen, whose leader, Robert Bolivar DePugh, announced on November 4 that, "the hopes of millions of Americans that the Communist tide could be stopped with ballots instead of bullets have turned to dust." The Minutemen boast of between 25,000 to 46,000 members; again, no outsider knows how close to the truth these figures are. We do know that no tenet of democracy requires that the state tolerate within its borders paramilitary organizations.

But who has the subpoena power, the standing, the staff – and the objectivity – to carry forward such an inquiry? Representative Charles Joelson (D, N.J.) has proposed a "deep and thorough" investigation of the Minutemen by the House Un-American Activities Committee. But HUAC is a discredited body, incapable of commanding general confidence, unless it receives a massive transfusion of new blood – new members untainted by a reputation for injudicious and arrogant treatment of witnesses. No mayor, or even a state attorney general, has sufficient authority to gather in the necessary evidence on all these national organizations. The Civil Rights Commission could perhaps usefully explore one group – the Ku Klux Klan – with special attention to the role its members have in police work. The Commission at least begins with the advantage of having a model procedural code. It would not publish suspicion as fact, leak private testimony to the press, give no chance for anyone to rebut evidence.

But a broader inquiry is in order, one conducted by a special committee, bipartisan in character, of either the House, the Senate or both. If there are conspiracies on the Right, let's find out how they operate, what they want, and how they are financed. It may be said that *The New Republic* is calling for a return to snooping and spying by government; in brief to "McCarthyism." If the investigation proposed here were conducted as Joe McCarthy ran his, it ought to be opposed. But that unconscionable performance in the 50's need not be repeated.

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NATIONAL BROADCASTING COMPANY, INC.

December 15, 1964

Mr. Alan Reitman
Associate Director
American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

Dear Mr. Reitman:

Mr. Kintner had discussed your letter of December 4 with me and asked that I respond directly in his behalf to the questions you raise concerning participation in polictical activities and other matters of public controversy by NBC newsmen and performers featured in NBC entertainment programs.

Since NBC has no specifically defined policies in this area, the practices followed by such newsmen and entertainers have evolved through experience and individual choice, rather than any initiative exercised by NBC.

Performers appearing in NBC entertainment programs have long participated in political activities and been identified with one side or another of public issues in controversy, without interference from NBC. Such activity on their part is considered to be unrelated to their identity as entertainers.

Persons involved in reporting, writing or analyzing the news for NBC are staff employees of NBC News. They have not, in our experience, participated as political partisans in a campaign, run for or held political or public office while employed by NBC News or taken an open and active position on controversial public issues. We believe the reason for this is to be found in the high standards of professional conduct NBC News personnel have set for themselves, recognizing that although partisanship need not in itself damage their professional integrity, it could invite the public's inference that their news reporting and analysis were influenced by personal partisan considerations and, consequently, deficient in fairness, impartiality and even accuracy.

We feel this consideration would not apply with respect to financial contributions to political parties or candidates or personal or financial participation in non-political, non-controversial activities, such as charities and religious organizations. I assume NBC entertainers and newsmen make financial contributions to political parties and candidates and participate in or lend their names to charitable and religious activities, but NBC does not inquire into such matters and does not seek to inform itself with regard to them.

In connection with paid political broadcasts on NBC facilities, the company has a policy that NBC announcers introducing the broadcast must confine their announcement to identification of the program and may not, in the terms of introducing the program, advocate the cause of the speaker or candidate purchasing the time, I believe the soundness of this policy is self-evident.

No occasion has arisen calling for NBC to consider drawing a distinction, as a matter of policy, between entertainers and newsmen with regard to participation in partisan activities relating to politics or controversial public issues. We recognize, however, that there may well be a basis for distinction drawn from the public's legitimate expectation that we will function in its interest. The public, in our view, separates an entertainer's performance from his activities as a private citizen. Newsmen, however, who are professionally engaged in reporting on political candidates and issues and matters in public controversy could invite an adverse reaction from the public -- even though it might be unfair -- if they engage in partisan activity in these fields. I assume this is the reason many major newspapers discourage partisan activity by their news personnel and why NBC newsmen have themselves judged that it would be unsuitable for them to engage in such activity.

Sincerely,

/S/ George H. Fuchs

January 5, 1965

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

December 16, 1964

To: Board of Directors

From: The Office

In accordance with the Board's request of September 14, 1964 the Free Speech and Due Process Committees have reviewed the proposed bill of Senator Philip Hart to establish a Commission on Constitutional Liberties within the Executive Branch.

The two Committees concluded that such a Commission could advance civil liberties but expressed some concern about the due process protections afforded witnesses called before such a Commission. On the basis of the Committee recommendations, the office proposes that the following letter be sent to Senator Hart:

"Dear Senator Hart:

Your proposal for the creation of a Commission on Constitutional Liberties, to be established along the lines of the existing U.S. Civil Rights Commission, was recommended to our Board of Directors for approval by the 1964 Biennial Conference of the ACLU. After full debate, our Board has concluded that such a Commission would focus the attention of all Americans on the importance of the Bill of Rights, to explore the difficult problems which face us in the area of civil liberties, and to expose the continued existence of civil liberties infringements. We therefore warmly endorse your proposal.

During our discussion several questions were raised with respect to the due process protections to be afforded witnesses and others who might be defamed as a result of Commission proceedings. We heartily approve the provisions of the bill, which accomplish long-standing ACLU policy in safeguarding the rights of witnesses involved in congressional investigating committee hearings: (1) the right to counsel; (2) the screening of defamatory testimony in executive session; (3) the specific statement of legislative purpose; and (4) the making of transcripts of testimony available, on payment of costs, to those persons who may feel injured by it. In this last instance we would hope that in the few cases where indigents are involved, Commission rules will provide for free transcripts.

However, there are two other areas of the bill which we believe need strengthening in line with our concern to maintain due process guarantees for those affected by government action. First, we suggest that the bill require the Commission to provide an opportunity for cross-examination in appropriate cases when defamatory testimony is presented in public hearings, under reasonable limitations to be prescribed by the rules of the Commission. In fairness to the individual concerned and the Commission's own function to collect information, we believe that cross-examination is a most effective device for testing defamatory testimony.

Alternative #1:

Second, in order to prevent the distraction of witnesses and exaggeration of testimony inescapably linked to the broadcasting of hearings, the bill should contain a provision barring TV and radio broadcasts of Commission proceedings.

Alternative #2: Strike last paragraph.

Needless to say, a Commission devoted to the protection of basic constitutional guarantees should not itself abrogate these guarantees. The Commission's educational value will be blurred if it opens itself to attack by those who certainly will oppose it on the grounds that the Commission does not practice what it preaches.

Last, in our view the Commission must have the same power to subpoena witnesses possessed by the Civil Rights Commission if it is to function effectively within its limited term of office. Of course, if a subpoena power is included in the bill, we would urge that the Commission adopt rules requiring that subpoenaed witnesses be given fair notice of the date and subject matter of a proposed hearing.

We hope you will see fit to adopt our suggestions which, we believe, will assist in making the Commission a body for fair and effective inquiry in the area of civil liberties.

Sincerely yours,

John de J. Pemberton, Jr.
Executive Director"

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

December 16, 1964

To: Affiliates, Legislative Action Committee and State Correspondents

From: Alan Reitman and Leanne Katz

Re: House Un-American Activities Committee

A group of Congressmen who oppose the HUAC have been meeting to formulate plans on how to obtain recognition when the House convenes on January 4. They want to make sure that what they do will not endanger efforts at proposed reforms in the House rules when the new session begins.

We urge you now to write your Congressman and the Speaker of the House (John W. McCormack) asking that an opportunity be given at the opening of the 89th Congress, when the rules of the House are adopted, to debate and vote on a separate proposal which would end the HUAC's special status as a standing committee and would also enlarge the mandate of the House Judiciary Committee to cover specific overt acts affecting internal security.

We also urge you to continue (or promptly begin!) other educational efforts in opposition to the Committee. During this period pay personal visits to your Congressman; urge your membership to write him; write letters to-the-editor; try to obtain editorial opposition; ask your radio and TV stations to schedule discussion programs. In addition, ask other organizations with which we have been working* to take similar action, in accord with paragraph 2. The stimulation of general public opinion is very important in backing up our direct Congressional efforts, and these are the organizations which can mobilize potential community interest in and support for action against the Committee.

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*The national organizations which publicly support abolition of the Committee are: Amalgamated Clothing Workers Union; American Federation of Teachers; American Jewish Congress; Americans for Democratic Action; Central Conference of American Rabbis; Commission on Social Action of Reform Judaism; Joint Commission on Social Action of United Synagogue of America, Rabbinical Assembly of America and National Women's League; National Association for the Advancement of Colored People; Oil, Chemical and Atomic Workers Union (AFL-CIO); Unitarian-Universalist Association; United Packinghouse Workers (AFL-CIO); United States National Student Association; Women's International League for Peace and Freedom. Among other organizations which have been highly critical of the Committee, although they have not called for abolition are: American Ethical Union, National Council of Churches, National Council of Jewish Women, National Federation of Catholic College Students, Young Women's Christian Association.

Our new pamphlet, "The Case Against HUAC," will be ready for distribution during the week of December 28. It discusses in detail (1) the constitutionality of the mandate, (2) the harm done to people exposed or mentioned, (3) the dangerous use made of the Committee's files and "citations," and (4) its impact on education, civil rights, peace activities and religion. We shall rush texts to you just as soon as possible so you may order quanities in advance. The cost will be 35¢ each, 40% off on orders of 50 or more. An order form is attached below.

The importance of our HUAC effort can be seen by this excerpt from the pamphlet concerning the Committee's recent renewed investigation of two leaders of the Women's Strike for Peace (who were represented by Larry Speiser) Dagmar Wilson and Donna Allen. "This time they were interrogated about a 1963 speaking tour by Professor Kaoru Yasui, Chairman of the Japan Council Against A and H Bombs, and Dean of the Law Faculty at Tokyo's Hosai University. The women had visited the State Department and when that agency had at first refused to grant Professor Yasui a visa; the Department subsequently changed its mind and Professor Yasui spoke in 10 American cities to both peace and academic groups. Mrs. Wilson and Mrs. Allen challenged the secrecy of the HUAC executive session, asserting that what they did in exercising the First Amendment right of free speech in complaining to the State Department, in no way involved national security or derogated any individual. They refused to answer the HUAC's questions and were cited for contempt of Congress."

Again, we can immediately fill your orders for "Why Should Congress Abolish ...," "Guilt By Subpoena" and "Why the HUAC Should Go."

To: Leanne Katz

From: _____ _____

Send us

_____ copies of "Why Should Congress Abolish ..."

_____ " " "Guilt By Subpoena."

_____ " " "Why the HUAC Should Go."

_____ " " "The Case Against HUAC" sight unseen.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, N.Y. 10010

December 16, 1964

TO: Members of the Board

FROM: Jack Pemberton

RE: 1965 Meeting Dates of the Board

The office proposes that even if any of the regular meetings scheduled below are cancelled, there should be no alteration in the remainder of the schedule; but that if necessary, special meetings be inserted in the fixed regular schedule.

January	4
	18
February	1
	15
March	1
	15
	29
April	10, 11 (Plenary meeting)
	26
May	10
	24
June	7
	21
July	12
August	9
September	13
	27
October	11
	25
November	8
	29
December	13

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

AGENDA

BOARD OF DIRECTORS MEETING

MONDAY, DECEMBER 21, 1964 - 12:30 P.M.

1. Minutes of November 23 meeting.

2. Financial report.

ACTION

3. Budget, 1965. (Administrative Committee 11 A.M.)

4. Board meeting schedule for 1965.

5. Free Speech and Association Committee and Due Process Committee recommendations on Senator Hart's proposal for a federal Civil Liberties Commission (copy of Senator Hart's bill, minutes of FSA Committee meeting of 11/24/64, 11/13/64 memorandum by Seymour Bucholz, enclosed. DP Committee minutes for 12/11/64 will follow.)

6. Office request for advice on John Birch Society membership by policemen. (Draft statement and editorial enclosed.)

7. Recommendation of Radio-TV Committee on broadcaster's policies with respect to political activity of newscasters and performing talent.

8. Recommendation of Academic Freedom Committee for insertion on arrests or convictions for exercise of first amendment rights into pamphlet on student civil liberties (December 1, 1964 draft enclosed).

9. Staff request for Evans Fund grant to distribute 1,000 copies of the appendix to our brief in U.S. v. Mississippi. (Reitman memorandum enclosed.)

INFORMATION

10. Steps being taken in the HUAC abolition effort (Memorandum to affiliates enclosed.)

RESOLUTION OF THE BOARD OF DIRECTORS OF THE ACLU
ON THE DEATH OF PATRICK MURPHY MALIN
ADOPTED DECEMBER 21, 1964

The Board of Directors of the ACLU learns with the greatest regret of the death of its former Executive Director, Patrick Murphy Malin, in New York City, on December 13, 1964. He was the head of our Staff, and our principal spokesman for the 12 years of his service to us, from January, 1950 until February, 1962, when he resigned to become President of The Robert Colleges in Istanbul. We last saw him as an honored guest at our Board Meeting on September 28th last, the eve of his intended return to his post in Turkey.

Pat Malin made a profound impression upon us, individually and collectively, as he did upon all who ever came under the spell of his dynamic personality, his wisdom, and his abiding faith in the liberties of free men. To him, the need in our complex society for the clear voice of the Union in its sole commitment to the strengthening of these liberties, was the driving force of the middle years of his life.

More than any other person, Mr. Malin was responsible for the great growth of the Union during these dozen years of his leadership -- growth in members, in affiliates, in resources, in influence and in the wide respect for its disinterested integrity.

Within our group, he commanded not only respect and admiration, but great affection. He knew and valued highly the bonds of intimate friendship, and he practised this art graciously without effort.

To his widow and his sons, this Board conveys its sense of sorrow and loss, and its sympathy in their greater loss of husband and father.

INCOME

BUDGET - 1965

	Proposed Budget - 1965	Estimated 1/1 to 12/31/64 (12 Months)	Budget 1/1 to 12/31/64 (12 Months)
Membership Income			
Shared Renewal & Spec.			
Non-Affil Areas (R&S)			
Total renewal & Spec.	$ 930,000		
Affil. new member income	70,000		
Natl. New member income	75,000		
TOTAL MEMBERSHIP INCOME	$1,075,000	$835,000	$765,000
Less transfers to integr. affiliates			
PMR allowance	50,000		
Regular share	435,000		
Fund B	12,000		
Total Shared Income	497,000		
Affil. new member income	70,000		
Total Transfers	567,000	$400,800	$355,400
NATIONAL SHARE OF MEMBERSHIP INCOME	508,000	434,200	409,600
Other Operating Income			
Transfers from:			
Vigilance Fund	-	33,105	
Emergency Exp. Fund	-	18,246	
So. Reg. Off. Fund*	37,000	11,000	
Marshall Fund	-	11,100	
Baldwin Escrow Fund	3,600	3,600	
Evans Fund	-	8,500	
	40,600	85,651	26,440
Misc. Natl. Org. Receipts			
General Fund income	1,500	1,000	
End. Fund income	1,200	1,200	
Vig. Fund income	1,000	1,100	
Literature sales	4,000	3,800	
Honoraria & Misc.	3,300	3,400	
Total	11,000	10,500	3,250
Total Other Income	51,600	96,151	29,690
TOTAL OPERATING INCOME National Organization	$ 559,600	$530,351	$439,290

* 1964-1965 So. Reg. Off. Fund total of $51,000 computed by assuming affil. contributions of 10% of total of regular share ($435,000) plus affil. new member income ($75,000). Budgetted expenses of $11,000 (in 1964) and $37,000 (in 1965) will leave $3,000 in the fund at the end of 1965.

** Budgetted expenses for pamphlets and reprints assume actual receipts from literature sales plus $1,500 will be spent. Includes also $4,000 for Policy Manual.

NATIONAL ORGANIZATION

EXPENDITURES

	Proposed Budget - 1965	Estimated 1/1 to 12/31/64 (12 Months)	Budget 1/1 to 12/31/64 (12 Months)
Member. & Develop.Dept.			
Salaries	$ 80,000	$ 73,200	$ 73,200
New Member.promotion	53,000	57,000	53,500
Annual renewal	12,000	10,000	8,500
Spec. funds appeal	2,000	2,866	4,000
Field Development Exp.	10,000	10,000	10,000
Misc.	8,400	4,500	3,000
Repayment of Vig.Fd. loan	1,100	-	-
Total Mem. & Dev. Dept.	166,500	157,566	152,200
Executive & Functional			
Executive			
Salaries	68,000	53,000	52,500
Administrative	1,200	1,000	600
Board & Com. Expenses	4,500	2,000	1,400
Corporate & affil. serv.	3,000	3,000	3,000
Natl. Planning Com.	1,000	-	-
Biennial Conference	-	11,080	9,600
Total Executive	77,700	70,080	67,100
Legal			
Salaries	34,500	20,000	20,000
Cases	14,000	21,000	14,000
Law Library, Misc. equip.	4,750	3,000	
Total Legal	53,250	44,000	34,000
Education and Action			
Salaries	39,900	37,600	37,600
Annual Report	20,200	16,417	16,400
Civil Liberties	22,500	19,350	16,000
Feature Press Service	8,000	6,000	5,600
Pamphlets, Reprints, etc.	9,500**(see pg. 1)	5,500	1,500
Misc.	3,300	2,000	3,000
Contributions to other Orgs.	2,000	2,000	2,000
Domestic Committees	2,000	2,000	500
International Com.	500	500	500
Total Education & Action	107,900	91,367	83,100
Washington Office			
Salaries	22,500	21,000	21,000
Other	9,000	7,700	9,000
Total Washington Office	31,500	28,700	30,000
Southern Reg. Office			
Salaries	22,000	5,700	-
Other	15,000	6,000	-
Total Southern Reg. Office	37,000	11,700	-
UNALLOCABLE EXPENSES			
Rent, Cl., & Equipment	28,100	28,800	23,500
Stationery etc.	7,600	7,700	5,200
Postage, Telephone, Telgr.	14,000	11,300	12,200
Taxes & Insurance	17,300	14,500	11,800
Audit	3,000	3,000	3,000
Misc.	3,100	1,700	5,550
Pension	9,150	1,000	3,200*
Repayment of equip. loan	732	366	-
	82,982	68,366	64,450
Total National	556,832	$471,779	$430,850
CONTINGENCIES	9,368		
	$566,200		
EXCESS OF EXPENDITURES OVER RECEIPTS	(6,600)		
To be funded by Vigilance Fund loans for purchase of equipment costing $8,261	6,600		
To Calif. Affiliates for Proposition 14 Campaign		25,000	*Initiation of Pension Plan.
LCDC		15,000	
GRAND TOTAL		$511,799	

American Civil Liberties Union
156 FIFTH AVENUE, NEW YORK 10, N. Y.

Please attach this Resolution to your copy of the December 21, 1964 Board minutes.

RESOLUTION OF THE BOARD OF DIRECTORS OF THE ACLU
ON THE DEATH OF ALEXANDER MEIKLEJOHN
ADOPTED DECEMBER 21, 1964

Alexander Meiklejohn was an embodiment of the enduring values and purposes of the American Civil Liberties Union. A member of its National Committee for 37 years until he died last month at the age of 92, he contributed immeasurably to the Union's growth, effectiveness and character. His wisdom, calmness and courage were an unfailing source of strength to his associates. We record his death with love, as well as with sorrow and with gratitude for his fellowship.

No life could have been fuller than Alec Meiklejohn's. Philoscpher, educator, libertarian and polemicist, he was ebulliently engaged in every major intellectual controversy of his time. He relished and cultivated controversy not alone for his own keen pleasure in matching wits with estimable adversaries but because he believed that out of debate, out of the clash of opinion, comes the best assurance of harmony and of wisdom in the determination of public policy. As a teacher, he sought always to foster inquiry, challenge and criticism among his students. As a political philosopher, he sought always to preserve unlimited freedom in the discussion of public affairs.

Thus, he believed unreservedly in the utility of freedom. "Freedom," he put it, "is always expedient....If there are arguments against our theory of government, our policies in war or in peace, we the citizens, the rulers, must hear and consider them for ourselves. That is the way of public safety. It is the program of self-government....No belief or advocacy may be denied freedom if, in the same situation, opposing beliefs or advocacies are granted that freedom."

Alec Meiklejohn exemplified and fought for this philosophy all the years of his long life with an extraordinary combination of sweetness and strength, of tolerance and determination, of gentleness and passion. Last year, at 91, he came to Washington to receive the Presidential Medal of Freedom. No one could have more richly fulfilled its meaning.

He died at his home in Berkeley after an illness of no more than three days, sitting up in a chair with his doctor on one side of him, his wife, Helen, on the other, talking about the disorders on the campus of the University of California -- talking about the twin centers of interest in his life, students and freedom. Suddenly -- with no cry, no suffering, no fear -- he drew a deep breath and was gone.

PWL
SW-file

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

WORKING PAPER, NOT FOR PUBLIC DISTRIBUTION

December 28, 1964

To: Free Speech/Association Committee

From: The office

Re: Right of Privacy v. Free Speech

The dialogue below poses a policy question on which the office requests quidance. Recently, the problem has come up in the case of the movie "John Goldfarb," the showing of which was enjoined on a right to privacy theory.

* * * * * *

WHAT PRICE PRIVACY?
by Harriet Pilpel

Everyone's against sin and for the right of privacy. However, there is little agreement as to the meaning of either. We are too seldom aware of the tyranny of words. What you mean when you say you're all in favor of the right of privacy may be and probably is something quite different from what I mean when I, too, favor that right. Lawyers perhaps more than other people know -- or should know -- that words are, as Judge Learned Hand pointed out, only the skin of the living thoughts underneath -- chameleon-like creatures that take on their meaning and coloration from what is in the mind of the utter-er and the utter-ee. No legal document has ever been drafted containing words so unambiguous that it is not possible to ascribe vastly different and often opposing meanings to the words of which it is composed.

Which brings us back to the right of privacy -- a right not rooted in our centuries old common law like many rights -- such as the right not to be libelled or slandered -- but a relatively new concept which made its first appearance in 1890 in the now famous law review article by Louis D. Brandeis (later Justice of the United States Supreme Court) and Samuel Warren. They envisaged a broad right to be let alone -- to be free from intrusions by others into our personal lives. In the context of 1890, maybe no further refinement of the concept was necessary. Today, in our complex era of mass communications and electronic snoopers, the right of privacy has come to mean many different things to many different people and the courts are struggling in a variety of complex fact situations not conceivable by Brandeis and Warren.

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use of anyone's name or picture. If the person is libelled -- well, I'm not suggesting eliminating the law of libel. But I am not only suggesting -- but stating -- that we should not open the door, however slightly and no matter how good our motives, to a doctrine whereby people will speak and write factual narratives at their peril even though the knowledge of the facts they report is legally obtained and even though they avoid defamation, obscenity, fraud and all the other established exceptions to freedom of expression. A rose by any other name and censorship is no less repellent when it is imposed by private individuals under the guise of protecting their right of privacy. In the scales of a free society, the right of the public to be told -- to know -- must outweigh the demands -- however otherwise justifiable -- of outraged sensibilities.

Harriet F. Pilpel
November, 1964

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in the essentials of democratic society. No society, if it hopes to be free, can long survive unless it establishes and protects a basic alienation between each individual and his community. It is this alienation which enables a man to see his own outline -- to establish and preserve what is uniquely his, as his. And it is this alienation which is at the basis of all our civil liberties. In a dictatorship, only the dictator has a right of privacy -- and with reason. Indeed, without this alienation "free speech" or "the right to be informed" would be mere fantasy -- since an idea or concept must first have an element of uniqueness, or individuality, before it can have any value when communicated to others.

Those who talk of extensions of the right of privacy should more precisely, it seems to me, be talking of "limitations" on it. To talk of "extension" appears to beg the issue and imply unjustified license.

Certainly, Warren and Brandeis did not conceive of the right in the limited way that Mrs. Pilpel and others seek to describe it. Rather I suggest they sought to have it enforced in just such instances of "human misappropriation" as were involved in the Spahn case. Nor did they treat damage to human sensibilities with the de minimis shrug used by those who seek drastically to curtail the right of privacy. Indeed, their now famous and all important article was born of outrage resulting from just such damage.

Of course, some limitations on the right of privacy are necessary if free speech is to survive. For example, I thoroughly agree with Mrs. Pilpel when she criticizes the Wagner v. Fawcett Publications Illinois lower court decision, which held in effect that magazines violate one's privacy if they publish some time after the event material about an item of public interest in which the person was involved. It is only through the passage of time that thoughtful history can be written, and if we followed the lower court ruling in the Fawcett case, history would probably be reduced to the level of most newspaper reporting -- and save us from that! Nor should privacy, it seems to me, weigh as heavily on our scales as the public's right to be informed about matters of public interest and concern. The scales used by a democracy are, and must be, heavily weighted in favor of the public's right to be informed, without which "free choice" also becomes meaningless and democracy falls.

I suggest, however, that these necessary limitations on privacy do not include those which encourage fictionalization, whether so denominated or not, and distortion of facts about public figures. Clearly the public's right to information is not served by such material for how can it be informative if it is made up or untrue? Whatever minor value these communications might have is, it seems to me, far outweighed by an individual's being able to prevent himself from being transformed against his will into someone he isn't and then being flung into the glare of public scrutiny to be judged by what he seems to be -- but isn't. This, I suggest, is the Frankenstein we have to fear.

Nor do I see why a right of privacy shouldn't protect against the publication and dissemination of extremely intimate details, albeit factual, about public figures which have no relation whatever to their public life or public duties. (Mrs. Pilpel would limit these only to the extent they are libelous.) For example, I fail to see how the disclosure of intimate facts about the sex life of a renowned nuclear scientist, or ballplayer, or of the fact that he may have an abnormal child or a wife with an artificial leg (and so on) can, in any sense, be considered of more value to society than the protection of that person's privacy -- or that of his family. And yet it is just such protection which would be denied him if public nosiness is unbridled.

I hope that these views of mine will not be taken out of context or extended beyond their intended scope. Of course, public figures should not be allowed to stifle unauthorized biographies with the cloak of privacy. Where would history be today if we had to depend only on authorized biographies. Of course, some slight fictionalization should be permitted in biographical writing in order to give it life (usually, I must suggest, it is needed only when the biographer's prose is less than adequate). And, of course, the publication of intimate details about a person should be permitted where they are, by virtue of the public position of the person involved (such as matters of security) or the circumstances within which they occur, legitimate matters of public concern.

But it doesn't seem to me a terrible burden to lay upon the communications media to limit their privacy invasions to matters of public relevance accurately reported. At their disposal are all the men, devices and pressures which money can buy to perfect public nosiness. Against them, the individual can only hide behind

the rights we give him. I remain unpersuaded that if the right of privacy is kept free of these unnecessary limitations, there will be a significant diminution in the number of "unauthorized biographies or factual presentations." I am persuaded, however, that these biographies and presentations will, in future, be more factual and more relevant. And what's wrong with that?

Which gets us back to old Warren Spahn. Let him keep his two inches, Harriet, it's all he (and we) has left!

Alan U. Schwartz
December 1, 1964

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

WORKING PAPER, NOT FOR PUBLIC DISTRIBUTION

December 28, 1964

To: Free Speech/Association Committee

From: The office

Re: Right of Privacy v. Free Speech

The dialogue below poses a policy question on which the office requests quidance. Recently, the problem has come up in the case of the movie "John Goldfarb," the showing of which was enjoined on a right to privacy theory.

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WHAT PRICE PRIVACY?

by Harriet Pilpel

Everyone's against sin and for the right of privacy. However, there is little agreement as to the meaning of either. We are too seldom aware of the tyranny of words. What you mean when you say you're all in favor of the right of privacy may be and probably is something quite different from what I mean when I, too, favor that right. Lawyers perhaps more than other people know -- or should know -- that words are, as Judge Learned Hand pointed out, only the skin of the living thoughts underneath -- chameleon-like creatures that take on their meaning and coloration from what is in the mind of the utter-er and the utter-ee. No legal document has ever been drafted containing words so unambiguous that it is not possible to ascribe vastly different and often opposing meanings to the words of which it is composed.

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down on our First Amendment freedoms -- those freedoms of speech and of the press -- which the United States Supreme Court has correctly characterized as "the matrix, the indispensable condition of every other freedom."

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Nor do I see why a right of privacy shouldn't protect against the publication and dissemination of extremely intimate details, albeit factual, about public figures which have no relation whatever to their public life or public duties. (Mrs. Pilpel would limit these only to the extent they are libelous.) For example, I fail to see how the disclosure of intimate facts about the sex life of a renowned nuclear scientist, or ballplayer, or of the fact that he may have an abnormal child or a wife with an artificial leg (and so on) can, in any sense, be considered of more value to society than the protection of that person's privacy -- or that of his family. And yet it is just such protection which would be denied him if public nosiness is unbridled.

I hope that these views of mine will not be taken out of context or extended beyond their intended scope. Of course, public figures should not be allowed to stifle unauthorized biographies with the cloak of privacy. Where would history be today if we had to depend only on authorized biographies. Of course, some slight fictionalization should be permitted in biographical writing in order to give it life (usually, I must suggest, it is needed only when the biographer's prose is less than adequate). And, of course, the publication of intimate details about a person should be permitted where they are, by virtue of the public position of the person involved (such as matters of security) or the circumstances within which they occur, legitimate matters of public concern.

But it doesn't seem to me a terrible burden to lay upon the communications media to limit their privacy invasions to matters of public relevance accurately reported. At their disposal are all the men, devices and pressures which money can buy to perfect public nosiness. Against them, the individual can only hide behind

the rights we give him. I remain unpersuaded that if the right of privacy is kept free of these unnecessary limitations, there will be a significant diminution in the number of "unauthorized biographies or factual presentations." I am persuaded, however, that these biographies and presentations will, in future, be more factual and more relevant. And what's wrong with that?

Which gets us back to old Warren Spahn. Let him keep his two inches, Harriet, it's all he (and we) has left!

Alan U. Schwartz
December 1, 1964

WB
S.W. file

AMERICAN CIVIL LIBERTIES UNION

156 FIFTH AVENUE

NEW YORK, NEW YORK 10010

December 30, 1964

To: The Board of Directors

From: The Office

Enclosed is a proposed letter to the President concerning item 6 on the agenda of the January 4 Board meeting.

AMERICAN CIVIL LIBERTIES UNION

156 FIFTH AVENUE

NEW YORK, NEW YORK 10010

PROPOSED LETTER

The Honorable Lyndon B. Johnson
President of the United States
The White House
Washington, D. C.

Dear Mr. President:

We take this occasion to raise with you the forthcoming appointment to the vacancy in the United States Court of Appeals for the Fifth Circuit caused by the death of Judge Ben Cameron.

The American Civil Liberties Union, because it is a non-partisan organization, traditionally refrains from supporting or opposing any particular candidate for the federal bench, and we do not intend to depart from that practice. However, because of the singular role played by the Fifth Circuit in the enforcement of constitutional liberties in the South, we think it proper to offer our views on the manner of filling this vacancy.

During the past few years there has been an enormous quantity of litigation spawned by those organizations and individuals who have dramatically asserted that political liberty is not to be denied because of color. Those assertions have frequently taken the form of public protest and demonstration, principally, we think, because the state courts in the deep south refused to enforce the doctrine of equal treatment under the law which is embedded in the Fourteenth Amendment. As long as those courts forfeited their responsibility it was inevitable and just that the people should exercise their rights of speech, assembly and petition in another forum.

At the same time, however, the protestants continued to seek redress in the court, demonstrating their basic attachment to the rule of law. Though the state courts more often than not failed to give recognition to their valid claims, even though they were afforded more than ample opportunity, the federal courts -- with notorious exceptions -- did not fail in their responsibility. Among those courts, the Fifth Circuit's steady concentration upon constitutional principle has won it an enviable reputation for courage and integrity.

In order to insure the continuing strength of the Fifth Circuit, and the undiminished reliance upon the courts as the principal vehicle to achieve racial justice, its vacancy must be filled with a judge who has no doubts about the meaning of the Fourteenth Amendment or the supremacy of the United States Constitution. There are, we fear, judges who have been unable to shed their belief in segregation. If such a man or woman is appointed to the vacancy, the whole nation would be the loser. The times demand that the Circuit be reinforced by the appointment of a judge who will reliably enforce the whole Constitution as it has been expounded by the Supreme Court.

We recognize the political obstacles that threaten to impede the appointment of such a man or woman, particularly if it is the Administration's view that the seat must be reserved for a Mississippian. Though the options are not easy, we urge that the search for a successor to Judge Cameron not be confined to Mississippi alone, but that it include all the states within the Circuit.

Although judicial remedies are part of a process which require thoughtful deliberation of principles that by and large are not self-evident, we venture to say that the law concerning racial discrimination, after long years of exposition by the Supreme Court, is more self-evident than most. Since the Fifth Circuit has the duty of applying the law over that part of the nation whose principal problems arise from demands for racial justice, it is of paramount importance that it be composed of judges who are not burdened with a view of the law which is antagonistic to those demands.

Sincerely yours,

/s/

John de J. Pemberton, Jr.
Executive Director

INCOME

PROPOSED BUDGET - 1965

	Proposed Budget - 1965	Estimated 1/1 to 12/31/64 (12 Months)	Budget 1/1 to 12/31/64 (12 Months)
Membership Income			
Shared Renewal & Spec.			
Non-Affil Areas (R&S)			
Total renewal & Spec.	$ 930,000		
Affil. new member income	70,000		
Natl. New member income	75,000		
TOTAL MEMBERSHIP INCOME	$1,075,000	$835,000	$765,000
Less transfers to integr. affiliates			
PMR allowance	50,000		
Regular share	435,000		
Fund B	12,000		
Total Shared Income	497,000		
Affil. new member income	70,000		
Total Transfers	567,000	$400,800	$355,400
NATIONAL SHARE OF MEMBERSHIP INCOME	508,000	434,200	409,600
Other Operating Income			
Transfers from:			
Vigilance Fund	-	33,105	
Emergency Exp. Fund	-	18,346	
So. Reg. Off. Fund*	40,000	11,000	
Marshall Fund	-	11,100	
Baldwin Escrow Fund	3,600	3,600	
Evans Fund	-	8,500	
	43,600	85,651	26,440
Misc. Natl. Org. Receipts			
General Fund income	1,500	1,000	
End. Fund income	1,200	1,200	
Vig. Fund income	1,000	1,100	
Literature sales	4,000	3,800	
Honoraria & Misc.	3,300	3,400	
Total	11,000	10,500	3,250
Total Other Income	54,600	88,651	29,690
TOTAL OPERATING INCOME National Organization	$ 562,600	$530,351	$439,290

* 1964-1965 So. Reg. Off. Fund total of $51,000 computed by assuming affil. contributions of 10% of total of regular share ($435,000) plus affil. new member income ($75,000).

** Budgetted expenses for pamphlets and reprints assume actual receipts from literature sales plus $1,500 will be spent. Includes also $4,000 for Policy Manual.

NATIONAL ORGANIZATION

EXPENDITURES

	Proposed Budget - 1965	Estimated 1/1 to 12/31/64 (12 Months)	Budget 1/1 to 12/31/64 (12 Months)
Member. & Develop.Dept.			
Salaries	$ 80,000	$ 73,200	$ 73,200
New Member.promotion	53,000	57,000	53,500
Annual renewal	12,000	10,000	8,500
Spec. funds appeal	2,000	2,866	4,000
Field Development Exp.	10,000	10,000	10,000
Misc.	8,400	4,500	3,000
Repayment of Vig.Fd. loan	1,100	-	-
Total Mem. & Dev. Dept.	166,500	157,566	152,200
Executive & Functional			
Executive			
Salaries	68,000	53,000	52,500
Administrative	1,200	1,000	600
Board & Com. Expenses	4,500	2,000	1,400
Corporate & affil. serv.	3,000	3,000	3,000
Natl. Planning Com.	1,000	-	-
Biennial Conference	-	11,080	9,600
Total Executive	77,700	70,080	67,100
Legal			
Salaries	34,500	20,000	20,000
Cases	14,000	21,000	14,000
Law Library, Misc. equip.	4,750	3,000	
Total Legal	53,250	44,000	34,000
Education and Action			
Salaries	39,900	37,600	37,600
Annual Report	20,200	16,417	16,400
Civil Liberties	22,500	19,350	16,000
Feature Press Service	8,000	6,000	5,600
Pamphlets, Reprints, etc.	9,500**(see pg. 1)	5,500	1,500
Misc.	3,300	2,000	3,000
Contributions to other Orgs.	2,000	2,000	2,000
Domestic Committees	2,000	2,000	500
International Com.	500	500	500
Total Education & Action	107,900	91,367	83,100
Washington Office			
Salaries	22,500	21,000	21,000
Other	9,000	7,700	9,000
Total Washington Office	31,500	28,700	30,000
Southern Reg. Office			
Salaries	22,000	5,700	-
Other	15,000	6,000	-
Total Southern Reg. Office	37,000	11,700	-
UNALLOCABLE EXPENSES			
Rent, Cl., & Equipment	28,100	28,800	23,500
Stationery etc.	7,600	7,700	5,200
Postage, Telephone, Telgr.	14,000	11,300	12,200
Taxes & Insurance	17,300	14,500	11,800
Audit	3,000	3,000	3,000
Misc.	3,100	1,700	5,550
Pension	9,150	1,000	3,200*
Repayment of equip. loan	732	366	-
	82,982	68,366	64,450
Total National	556,832	$471,779	$430,850
CONTINGENCIES	12,368		
	$569,200		
EXCESS OF EXPENDITURES OVER RECEIPTS	(6,600)		
To be funded by Vigilance Fund loans for purchase of equipment costing $8,261	6,600		
To Calif. Affiliates for Proposition 14 Campaign		25,000	*Initiation of Pension Plan.
LCDC		15,000	
GRAND TOTAL		$511,799	

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

Sw file

A G E N D A

BOARD OF DIRECTORS MEETING

MONDAY, JANUARY 4, 1965 - 12:30 P.M.

ACLU OFFICES

NB: -THIS MEETING WILL BE HELD IN ROOM 725 AT 156 5th AVENUE.

1. Minutes of December 21 meeting.

2. Financial Report

ACTION

3. Recommendation of Academic Freedom Committee for insertion of statement on arrests or convictions for exercise of First Amendment rights into pamphlet on student civil liberties. (December 1 draft distributed with preceding board agenda).

4. Staff request for Evans Fund grant to distribute 1,000 copies of the appendix to our brief in U. S. v. Mississippi. (Reitman memorandum distributed with preceding board minutes).

5. Proposed letter to President Johnson on appointment to Fifth Circuit vacancy (draft to be distributed).

INFORMATION

6. Letter to Speaker McCormack on seating of Mississippi congressional delegation (to be distributed).

7. Referral to Due Process Committee of policy questions raised by dismissal of charges against 21 Mississippian's accused of Civil Rights Act violations.

8. Report on HUAC abolition effort.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

MINUTES

BOARD OF DIRECTORS MEETING

MONDAY, DECEMBER 21, 1964 - 12:30 P.M.

ACLU OFFICES

PRESENT: Mr. Angell, presiding; Messrs. Bierstedt, Black, Brown, Crowell, Ennis, Evans, Fraenkel, Frank, Kunstler, Lacy, Maslow, Meserve, Miller, Prashker, Rice, Soll, Waring; Judge Kenyon.

Office: Messrs. Pemberton, Reitman, Wulf, Adler, Haskell, Bucholz, Fuller, Neier; Mesdames Floyd, Katz; Miss Strickland.

Visitor: Mr. Markmann.

1. Minutes. The minutes of the November 23 meeting were approved as circulated, subject to a correction by Mr. Baldwin who wrote (with respect to item 2) that in addition to Mr. Thomas and himself, Agnes Brown Leach and Max Eastman (all of the original World War I National Civil Liberties Bureau) still survived.

2. Death of Patrick Murphy Malin. Mr. Angell read a resolution prepared by him on the death of Mr. Malin which was adopted unanimously by the Board. The resolution is attached to these minutes.

3. Death of Alexander Meiklejohn. The Board also approved unanimously a resolution expressing the Union's sense of loss upon the death of Mr. Meiklejohn, a copy of which is attached to these minutes.

4. Financial report. Mr. Haskell reported on the current financial situation stating that although $765,000 was the projected total for membership contributions for 1964, the actual figure will be between $850,000 - $860,000.

5. Budget, 1965. Mr. Lacy, as chairman of the Administrative Committee, presented the budget for 1965, with corrections of the proposed budget which had been circulated with the agenda. He also recommended that the executive salaries of the national staff should be reviewed in an executive session of the Board. A question as to the increasing cost and as to the function of the Annual Report was raised by Mr. Frank, which was referred by Mr. Angell to the Executive Committee. After further discussion, the budget was approved by the Board. As corrected and adopted, this budget is attached to these minutes.

6. Board meeting schedule for 1965. Mr. Pemberton presented the proposed schedule of Board meetings for the coming year and there were no objections. He also informed the Board that for at least the next few months, the Board would meet on the 7th floor instead of the 9th, because of the fact that new office machinery would be put in the current Board meeting room.

7. Senator Hart's proposal for a federal Civil Liberties Commission. Mr. Ennis reported on the Free Speech and Association and the Due Process Committees' recommendations concerning Senator Hart's bill to establish a Committee on Constitutional Liberties and the proposed letter concerning this bill to be sent to Senator Hart. Mr. Ennis pointed out that though much of the language of the bill is patterned after the Act creating the Civil Rights Commission, the section giving the Commission subpoena power has been deliberately omitted. He also pointed out the alternative positions which the Due Process Committee had suggested as a result of divided views within the Committee as to whether or not to recommend that the bill bar radio and TV broadcasts of Committee hearings. A third alternative would be to recommend the bar only when the witness requests it. Mr. Ennis then moved the adoption by the Board of the proposed letter to Senator Hart without, however, the radio-TV provision.

This provoked considerable discussion among Board members. Mr. Soll remarked that investigations without any relation to prosecution or legislation but simply for the sake of information are dangerous, and Mr. Black questioned whether the proposed Commission would turn out to be a booby trap such as HUAC. Mr. Prashker brought up the question of whether education of the public is one of the purposes of the Commission to which Mr. Ennis replied in the affirmative for both investigation and publicizing of civil liberties violations, educational activities in themselves, are purposes of the Commission. Mr. Maslow felt the stated purpose of the Commission in Section 4 (b), making recommendations to the President and the Congress, to be the most important and that the educational function, also significant, should be implemented by published reports of authoritative findings which can then be cited. Mr. Fraenkel stated that the possibility of abuse is inevitable and to safeguard against this the Union should ask that both the purposes and procedures of the Commission be stated as definitely as possible. At this point Mr. Ennis amended his motion to read that the Board approve commendation of Senator Hart's bill, saving the issues of the power to subpoena witnesses, cross-examination, and live broadcasts for subsequent motions. The motion carried as amended.

Mr. Ennis then moved that the Board adopt the Due Process Committee's recommendation regarding cross-examination. Mr. Maslow stated that he opposed it for the proposed Commission on Constitutional Liberties was not a criminal court but an investigatory body and the right of cross-examination deprives the Commission of the right to run its own affairs for control of the hearing passes inevitably to those conducting the cross-examination. Furthermore, nothing in the bill would prevent the Commission from granting the right of cross-examination in its own discretion in appropriate cases. After other comments the motion was voted on and carried 12 to 5.

Mr. Ennis moved that the paragraph recommending the Commission have the power to subpoena witnesses be added to the letter and explained that the operation of the Civil Rights Commission indicated that the Commission on Civil Liberties could operate more effectively if it were not limited to calling only voluntary witnesses. Mr. Fraenkel raised a point of order stating that the power to subpoena, if not sought by the bill's proponents, is not properly of concern to the Union, and the Chair ruled that the motion was out of order.

Mr. Ennis moved that the drafted letter include the suggestion that radio and TV be barred from Commission hearings, and his motion was seconded. Mr. Fraenkel moved to amend the motion to apply the bar only if the witness objects. Mr. Reitman, at the request of the Chair, explained that our last Board action on the subject of

broadcasting Congressional hearings was taken in 1953, whereupon Mr. Brown proposed that we should say nothing on this issue without an up-to-date review of this position, and moved to table the motion. This motion was seconded and passed. Mr. Pemberton announced that such a review would be asked of the Free Speech and Association Committee.

8. John Birch Society membership by policemen. Mr. Pemberton presented the draft statement on "Civil Liberties Aspects of Police Membership in the John Birch Society" and pointed out that membership is an exercise of the right of association and should therefore not in and of itself be grounds for discrimination or disqualification from employment. Mr. Frank moved to adopt it after amendment (1) deleting the sentence in the fourth paragraph which reads: "Public employees, including teachers and members of the police force, should be judged only by their official performance and actions."., and (2) changing the last two sentences of the last paragraph to read: "Such information might include personal activity as a member of the John Birch Society which is shown to have interfered with the impartial conduct we expect law enforcement officers to demonstrate in the exercise of their authority. But the guiding standard for such inquiry should be conduct, not mere membership in any organization." The motion was seconded and passed.

9. Items not on the agenda. Mr. Rice asked about the John Goldfarb case and if the Union was doing anything. Mr. Neier stated that the New York Civil Liberties Union is pursuing the case.

Mr. Black inquired about the situation in Berkeley and Mr. Bierstedt described the activities of the ACLU of Northern California and of the national organization and other affiliates acting on the request of the Northern California affiliate. He felt that the action of the Regents last week had left the matter very clouded.

The meeting was adjourned.

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

January 4, 1965

To: Free Speech/Association Committee

From: The office

Here are several extracts from the opinion of Justice Henry Clay Greenberg of the New York State Supreme Court in the Goldfarb case as reported in the New York Times of December 18, 1964.

This should be read in connection with the material previously distributed to the Committee on the Right of Privacy v. Freedom of Speech to be discussed at the coming meeting.

January 4, 1965

Mr. John de J. Pemberton, Jr.
Executive Director
American Civil Liberties Union
156 Fifth Avenue
New York, New York

Dear Jack:

In considering your proposed letter to the President regarding Fifth Circuit vacancies, you may be interested in the enclosed.

Best wishes for the New Year,

Sincerely yours,

Leslie W. Dunbar
Executive Director

LWD:slw
Enclosures - 4.
cc: Mr. Charles Morgan

Enclosures include - Resolution, LWD Memo to Council members, JHW ltr. to the President and Senator Humphrey.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, N.Y. 10010

January 6, 1965

TO: Members of the Board of Directors

FROM: Jack Pemberton

RE: 1965 Meeting Dates of the Board

In accordance with the January 4 Board action, changing the date of the plenary meeting, the office proposes a revision of the 1965 meeting schedule as follows. In addition to the plenary meeting date change, the only other change advances the other April Board meeting to April 19.

January	4
	18
February	1
	15
March	1
	15
	29
April	3, 4(Plenary meeting)
	19
May	10
	24
June	7
	21
July	12
August	9
September	13
	27
October	11
	25
November	8
	29
December	13

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

MINUTES

Free Speech/Association Committee Meeting
Friday, January 7, 1965, 12:30 P.M.
ACLU Office

PRESENT: Mr. Soll, presiding; Messrs. Channick, Crowell, Evans, Galantiere, Lowenstein, Miss Fingerhood, Mrs. Pilpel

Guest: Mr. Charles Lamb Markman

Office: Messrs. Pemberton, Reitman, Wulf, Bucholz

Because of the necessity for immediate action on several items, Mr. Soll suggested, after consultation with the office, that the agenda previously circulated be taken up out of the order listed.

1. Newspaper Rejection of Advertising. Mr. Channick, whose memo on this issue was previously circulated, reviewed the problem and stated that ordinarily courts find no difficulty in upholding the absolute right of a newspaper to control the advertising it publishes and to reject the ads which it does not like. Some exceptions are made when newspaper control of advertising rises to the dignity of a restraint on trade, such as when newspapers refuse to accept advertising from radio or TV stations.

Mr. Channick proposed the following position for ACLU: In the interests of insuring the greatest diversity of speech, newspapers should not reject non-commercial advertising except on grounds of internal necessity, such as space and cost limitations, and the requirements of the libel laws. He suggested the Committee discuss first, what civil liberties disadvantages would result from such a position, and second, how the ACLU should effectuate such a position. Mr. Soll and Mr. Wulf stated that they opposed ACLU's urging legal enforcement of such a requirement, but that there might be nothing wrong with our urging that the spirit of the First Amendment suggested adherence to such a principle. Mr. Evans questioned whether Mr. Channick's position would require a small socialist paper to carry ads for the meeting of a fascist society, and whether denominationally owned newspapers would be required to accept ads for atheist societies. Mr. Crowell thought that the ACLU should not attempt to abridge "the right of a newspaper owner to be a heel" but

that there was nothing wrong in attempts to educate newspaper owners.

Several members stressed the importance of the problem in cities and towns where newspaper ownership was so concentrated that refusal to carry an advertisement effectively cut off the advertiser from contact with the public. Mrs. Pilpel argued that ACLU has traditionally opposed any limitation on what newspaper owners can be required to print or not to print. She felt that if the press was to be made into a public utility, a basic ingredient of our democratic process would be lost. Miss Fingerhood urged the Committee to differentiate in its position between large newspapers, particularly those in areas where newspaper ownership is concentrated, and "house organs," such as those operated by religious and political societies. Mr. Channick suggested that the discussion should not be confined merely to newspapers but should apply to the field of advertising as a whole. Mr. Bucholz and Mr. Wulf urged that any position suggested by us should deal with the problem of newspapers which refuse to carry ads for books thought by them to be obscene or immoral even though books are commercial products. Mr. Soll thought he detected some Committee sentiment for an ACLU position similar to the one proposed by Mr. Channick, provided ACLU attempted only moral persuasion and education, and not legal enforcement of a restriction on the discretion of newspaper owners.

In view of the request from the Philadelphia affiliate for immediate advice, the chair asked Mr. Channick to draw up as quickly as possible a proposed motion stating the ACLU position and defining to some extent the meaning of "non-commercial advertising." After the motion is circulated, and prior to the next Committee meeting, the chair will appoint another Committee member to draft and circulate a counter-motion. At the next meeting votes will be taken on the two motions and a recommendation will be made to the Board.

2. The Right of Privacy v. Free Speech. Mr. Soll reported to the Committee the latest discussion in the national Board of Directors stemming from the case involving the movie, "John Goldfarb, Please Come Home." (See Board minutes of January 4, 1965.) The Committee had before it for consideration previously circulated position papers by Harriet Pilpel and Alan Schwartz.

Mrs. Pilpel reported on a recent decision by a New York Supreme Court Judge in a case involving a purported biography of Warren Spahn. At the instance of Spahn, the court enjoined the sale of the book because, among other things, it found that the biography was not authorized, that it was prepared from secondary sources including newsclippings and magazine stories, that it contained much that was inaccurate and untrue and that its contents entered into areas of Spahn's personal life which had nothing to do with the public interest in him as a ballplayer. Mrs. Pilpel suggested that the court had erred in finding a right of privacy to exist sufficient to merit an injunction against a publication simply because a book presented as a factual biography and not a fictionalization contained much that was untrue or inaccurate. Mrs. Pilpel reviewed several older cases involving the right of privacy which she stated established the proposition that, as to a public figure,

if a work was presented as a factual narrative, it was not subject to an action based on the right of privacy, even if it contained some errors. The reasoning of the courts in these cases is that if judges were to allow right of privacy actions because unauthorized biographies contained some untrue material, the writing and publishing of biographies would be severely hampered. (Mr. Hendel and Mr. Crowell interjected that authorized biographies are frequently less accurate than non-authorized biographies in spite of the protestations of the subject.) Mrs. Pilpel suggested to the Committee that ACLU enter the Warren Spahn case as amicus on the side of the defendant publisher.

Mr. Soll differentiated between the right of privacy as to a public figure and the right as to a private citizen. He suggested that the Committee take up first the right as to public figures because in many respects the issues were clearer and easier. He asked whether there was any substantial disagreement with the position that as to a public figure, there is no right of privacy which protects against the public disclosure of information touching on his private life. He noted that if the information was obtained through an illegal physical invasion of privacy, such as wiretapping, or if such information was untrue and maliciously publicized, then criminal and libel laws would protect the public figure to some extent.

Several Committee members questioned whether such a rule would protect against authors who deliberately published nonfactual biographies in a factual form; i.e., authors who attempted to avoid the privacy rule by including an elaborate set of footnotes and reference sources to which they pay no attention. Mr. Crowell suggested that publishers should be required to "label" such biographies to indicate whether they are intended to be factual or fictionalized. Several other members of the Committee analogized the problem to that of ACLU's position on "hard-core pornography" in that the interest of ACLU was in maximumizing the extent of permissible discussion leaving a rather small and clearly defined and necessary area to be protected by the right of privacy.

Mr. Hendel stated that he had no difficulty with the fact situation presented in the Spahn case and urged the Committee to enter it. Mr. Soll thought the Committee might do better to wait until it had a clear position on the entire area of right of privacy, of which the current discussion was only a small part. Miss Fingerhood moved that ACLU enter into the Warren Spahn case as amicus curiae to argue that, when a factual biography of a public figure deals with his private life, no right of privacy exists which can forbid the publication of the book, even though a substantial amount of the information contained in the book is untrue. The vote on the motion was seven in favor, none opposed, and one abstention.

The question of whether we should oppose the use of an injunction rather than an action for damages in a case like that of Warren Spahn was briefly discussed. It was the feeling of the staff, subject to further checking, that ACLU's policy in the past has been to oppose the use of any injunction resulting in prior restraint of a publication based on the material contained in it.

The chairman suggested that a member of the Committee be appointed to prepare a short written memo for the next meeting of the Committee. The memo should explore other areas of the right of privacy, particularly the right of a private citizen and the right of an instituion to challenge the use of their names for apparently commercial purposes.

The next Committee meeting: Thursday, February 11, 1965, at the Union's offices

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

WORKING PAPER -- NOT FOR PUBLIC DISTRIBUTION January 7, 1965

TO: Members of the Board

FROM: The Office

During recent years, a number of incidents have been reported to the national ACLU office in which non-commercial advertising was rejected by newspapers, magazines and others having advertising space or time for sale. These incidents included the refusal of the two major newspapers in Columbus, Ohio, to accept advertisements dealing with world peace and the Cuban situation from a group of local organizations; the refusal of the SATURDAY REVIEW to accept a classified advertisment from an organization of male homosexuals and the refusal of the Philadelphia Transportation Company to accept car card advertisments from Women's Strike for Peace. Undoubtedly, there have been other unreported incidents of a similar nature.

The cases dealing with such situations have generally held that the freedom of the press guaranteed by the First Amendment includes the publisher's right to be free from compulsion to accept advertising. This has also been the position of the ACLU in the past. I suggest that that position be reconsidered. The ultimate goal of the First Amendment is free exchange of political and social thought. Non-commercial advertising is an important method of reaching the public with such thought. Therefore, the goals of the First Amendment would be furthered by requiring those who offer advertising time or space for sale to accept all non-commercial advertising subject to libel and obscenity laws and to reasonable, non-discriminatory conditions.

The prime objection to such a rule is, of course, that it would open the door to government control of the press. But this need not be the case. It is perfectly possible to distinguish the advertising columns of a newspaper from the news columns and to regulate one but not the other. If fact, securities laws, pure food and drug laws and others operate as an indirect regulation of advertising columns at the present time.

Herbert S. Channick
(Member, Freedom of Speech and
Association Committee)

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

January 7, 1965

TO: Academic Freedom Committee

FROM: Sub-committee on the New College (Members: Dorothy Bromley, Beatrice Konheim [Chairman], Charles Madison, Walter Petry)

SECOND DRAFT -- THE NEW COLLEGE

In the last 10 years _____ new colleges have been established in the United States. Each year will show a further increase. In the past, new colleges grew slowly; there was time for an evolution of the academic spirit. Now maturity must be achieved overnight if the new college is to leave an imprint of intellectual integrity on the thousands of students who will crowd its campuses in the next few years.

The impact of these new institutions on the students and the community will depend to a great extent on the scholarship and teaching skill of the faculty, the competence and zeal of the administrators and faculty in planning curricula and facilities favorable to learning. It will also depend on the climate of freedom for teaching, for research, and for learning which is the mutual concern of administrators, faculty and students. This climate will determine in large part whether the college becomes merely an efficient business organization whose product is degree students or a sensitive, viable institution of higher learning.

Many governing bodies of new institutions have had little or no previous experience with the purposes and problems of higher education. A heavy responsibility therefore rests upon the newly established administrations, their presidents and deans, and on the faculty. They know the new institution will quickly have to pass a series of rigorous tests.

> Will the institution receive accreditation?
>
> Will students who wish to transfer to other colleges obtain recognition and credit for work done?
>
> Will there be created a spirit of freedom of inquiry and a testing of beliefs, whether traditional or new, which will attract and hold good students and inspired teachers and productive scholars?

The confidence and support of parents, students, and the academic community can be obtained only if these challenges are met intelligently and forthrightly. Confidence may be shaken if there is unnecessary interference from governing bodies whether or not the institution is supported in whole or in part by public funds. It may also be shaken if the college yields to explosive community pressures particularly in courses of study, the conduct and deportment of students and teachers on campus and their participation as citizens in social and political movements or activities.

The first years are critical. Hasty judgments and ill considered actions may jeapordize the standing of the institution for years to come. The answers to the following questions may indicate whether, in the long run, the independence of the college from pressures from above and without may be withstood and whether the quality of students and faculty may be maintained.

> Is there significant participation of representative faculty in major policy decisions on curriculum and personnel including appointment, promotion, and dismissal?
>
> May faculty tenure be attained after a limited period of probation?
>
> Are there specific regulations governing non-reappointment and resignation?

The commitment to freedom of the mind, clearly enunciated, will help to create a college of independence and strength with an ability to withstand explosive community pressures generated by a society in conflict.

Despite the great differences in structure among our institutions of higher learning, the last fifty years have seen the clarification of the roles and responsibilities of the faculty and administration in American colleges. Standards have been set. Concepts of immediate concern to faculties and administrators of newly organized colleges together with procedures for translating these beliefs into policy are presented below through excerpts from published statements of American Association of University Professors, Association of American Colleges, and American Civil Liberties Union.

1. FACULTY PARTICIPATION IN COLLEGE AND UNIVERSITY GOVERNMENT

The American Association of University Professors, 1960:

Agencies of faculty representation, chosen in a manner determined by the faculty should be provided at each major organizational level in the institution concerned.

Communication with the governing board should not be confined to the chief administrative officer.

-- The rules governing procedures for faculty representation should be officially adopted and should be available to all concerned.

Decisions as to the area and extent of faculty representation and participation in college and university government should involve the judgment of the faculty. The faculty should have major responsibility for the educational and research policy of the institution. This policy area includes such fundamental matters as standards of admission of students, student affairs, curricula, and the granting of degrees.

-- The allocation of available resources among competing demands has such obvious and important implications for educational and research policy as to call for a direct role by the faculty in the making of budget decisions at all levels.

-- Appointments, promotions, and dismissals of academic personnel should be made only by processes that provide the active faculty participation through established committees and procedures.

The chairman or head of an academic department should be elected by the members of the department or should be appointed after consultation and normally in conformity with the judgment of, the members of the department.

The selection and dismissal of deans, presidents, and other academic administrative officers should involve meaningful participation by the faculty through its elected representatives. (1)

2. TENURE

The American Association of University Professors, 1940:

After the expiration of a probationary period teachers or investigators should have permanent or continuous tenure, and their services should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

1. The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

2. Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.

3. During the probationary period a teacher should have the academic freedom that all other members of the faculty have. (2)

3. NOTICE OF NON-REAPPOINTMENT

American Association of University Professors, 1964:

Because a probationary appointment, even though for a fixed or stated term, carries an expectation of renewal, the faculty member should be explicitly informed of a decision not to renew his appointment---.

Notice of non-reappointment, or intention not to recommend reappointment to the governing board should be given in writing in accordance with the following standards:

1. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.

2. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.

3. At least twelve months before the expiration of an appointment after two or more years in the institution. (3)

4. RESIGNATION BY A MEMBER OF THE FACULTY AND RECRUITMENT

The American Association of Colleges, 1961:

1. Negotiations looking to possible appointment for the following fall of persons who are already faculty members in active service -- and not on terminal appointment, should be begun and completed as early as possible in the academic year. It is desirable that, when feasible, the faculty member inform the appropriate officers of his institution when such negotiations are in progress. The conclusion of a binding agreement for the faculty member -- should always be followed by prompt notice to his institution.

2. A faculty member should not resign in order to accept another employment as of the end of the academic year, later than May 15th or 30 days after receiving notification of the terms of his continued employment the following year, whichever date occurs later. -- This obligation will be in effect only if institutions generally observe the time factor set forth in the following paragraph for new offers. --

3. To permit a faculty member to give due consideration of timely notice to his institution -- an offer of appointment for the following fall at another institution should not be made after May 1st. --

4. Except by agreement with his institution, a faculty member should not leave or be solicited to leave his position during an academic year for which he holds an appointment. (4)

5. ACADEMIC DUE PROCESS FOR FACULTY

A statement Adopted by Joint Committee of American Association of University Professors and Association of American Colleges, 1958:

A necessary pre-condition of a strong faculty is that it have first-hand concern with its own membership. This is properly reflected both in appointments and in separations from the faculty body. A well organized institution will reflect sympathetic understanding by trustees and teachers alike of their respective and complimentary roles. These should be spelled out carefully in writing and made available to all. -- One persistent source of difficulty is the definition of adequate cause for dismissal of a faculty member. (5)

American Civil Liberties Union, 1954;

The best academic due process is possible only when the institution and the teacher both believe that justice must be based upon order. The principle embodied in the legal concept of confrontation should govern academic due process.

The teacher should be informed of all the charges and all the evidence against him; he should have full opportunity to deny, refute, and to rebut -- it is a fundamental principle of fairness that charges against a person are to be made when proven, and that the burden of proof rests upon those who bring them --. The responsibility for applying this principle in the world of education rests primarily upon the governing board and administration of the institution. (6)

Recommendations on procedures to safeguard due process are spelled out in both statements (5,6). They cover the following:

Action in Tenure Cases
Preliminary proceedings concerning the fitness of faculty member

Formal Proceedings
- Relevant legislation, board by-laws, etc.
- Presentation of charges
- Procedure to be followed at proceedings
- Setting of date after sufficient time has elapsed for preparation of case
- Selection of hearing committee -- the ACLU advises that whenever possible "a standing committee of full time teaching colleagues democratically chosen and representative of the staff, and selected by pre-established rules."

Suspension of faculty member, the AAC-AAUP advises, "only if immediate harm to himself or others is threatened by his continuance."

Committee proceeding
- Right of teacher to be present accompanied by counsel
- Right of teacher and administration to present and examine witnesses and to cross-examine
- Principle of confrontation
- Full record to be taken and be made available to hearing group, administration and the teacher the AAC-AAUP recommends that the hearing committee "should make explicit findings with respect to each of the grounds of removal presented."
- Consideration of Governing Body (trustees)
  the AAC-AAUP states that, "Acceptance of the committee's decision would normally be expected." Procedures for resubmission to Hearing Committee channels of appeal.

Action in non-tenure cases is suggested by ACLU (6)

6. ACADEMIC FREEDOM AND RESPONSIBILITY OF THE FACULTY

The AAUP, 1940:

The common good depends upon free search for truth and its free expression. Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning.

The American Civil Liberties Union, 1956:

Academic freedom and responsibility are here defined as the liberty and obligation to study, to investigate, to present and interpret, and to discuss facts and ideas concerning man, human society, and the physical and biological world in all branches and fields of learning. They imply no limitations other than those imposed by generally accepted standards of art, scholarship, and science. They include the right within and without institutions of learning to be free from any special limitations of investigation, expression and discussion. As citizens, students and teachers have the rights accorded all citizens.

Academic freedom and responsibility of teachers embraces two distinct areas: 1) the conduct of the teacher apart from specifically professional responsibilities and 2) his conduct in teaching and other activities directly related to his professional responsibilities.

1. When not engaged in specifically professional activities, the teacher should be able to function with the freedom of any other citizen. In his private capacity the teacher should be as free as any other citizen in political, religious, and social movements and organizations and in any other lawful activity, and to hold and to express publicly his political, religious, economic or other views. The fact of his being a teacher should not debar him from any activities open to other citizens.

   Teachers should not be requested to take any special oath of loyalty to the government. -- No one should be subjected, as a condition of holding a teaching position, to any test of religious belief or of political belief other than his pledge to support the Constitution of his state and of the United States.

   Like any other professional or non-professional worker, the teacher should be free to organize with others to protect group interests or to join existing unions or other organizations for such purposes.

2. The criteria of performance for a teacher should be those associated with personal and professional integrity in a democratic society. -- A teacher should be appointed on the basis of his teaching ability and his competence in his professional field, not on the basis of his race, nationality, creed, religious belief or affiliation; a proper exception exists in the right of a private institution of publicly declared faith, denomination or special function to select teachers on a basis harmonious with its public declaration.

   The central issue in considering a teacher's fitness, is his own performance in his subject and his relationship with his students. The ACLU opposes as contrary to democratic liberties any ban or regulation which would prohibit the employment as a teacher of any person because of his views or associations, such as Communist or Fascist. The ACLU does not oppose ouster of any teacher found lacking in professional integrity.

The community has the right to demand that the educational institution shall be competently staffed and capably administered. Matters of curricula properly are the responsibility of the professional staff who are under obligation to be guided by high professional standards of scholarship and of teaching methods and by full awareness of the community's educational needs. (The community) -- has neither the right to, nor indeed any social justification for, insistence that a discussion of deviations from accepted principles be excluded from the curriculum. (7)

7. ACADEMIC FREEDOM AND CIVIL LIBERTIES OF STUDENTS

The American Civil Liberties Union, 1956:

The democratic way of life depends for its very existence upon the free contest of ideas. This is as true on the campus as in the community at large. If our students are to grow to political and social maturity, no step should be neglected which will habituate them to the free interchange of ideas -- unpopular and strange ideas as well as those which are favored and familiar. ... A democracy encourages to the highest degree possible the participation of the governed in the governing process. ... A democracy combats possible abuses not by a system of precensorship but by definite fixing of responsibility for such abuses and the application of disciplinary measures when necessary. (8)

The ACLU, 1961:

The student government, student organization, and individual students should be free to discuss, pass resolution upon, distribute leaflets, petitions, and take other lawful action respecting any matter which directly or indirectly concerns or affects them....

... Students should be free to organize and join associations for educational, political, social, religious and cultural purposes.

... The administration should not discriminate against a student because of membership in any such organization.

... Organizations should not be required to file a list of members ---. All student publications -- should enjoy full freedom of the press.

... When a student organization wishes to invite an outside speaker -- permission should not be withheld because the speaker is a controversial figure. (9)

8. STUDENT DUE PROCESS

The American Civil Liberties Union, 1961:

The Student as Citizen.

No disciplinary action should be taken by the college against a student for engaging in such off campus activities as political campaigning, picketing or participation in public demonstrations, providing the student does not claim without authorization to speak or act in the name of the college or one of its student organizations.

When students run into police difficulties off the campus in connection with what they regard as their political rights -- as for example taking part in sit-ins, picket lines, demonstrations, riding in freedom buses -- the college authorities should take every step practical to assure themselves that such students are protected in their full legal rights.

c) Due Process for Students: -

No student should be expelled or suffer major disciplinary action for any offense other than failure to meet required academic standards, without having been advised explicitly of the charges against him which at his request should be in writing.

He should be free to seek the counsel of a faculty member of his choice or other adviser.

Should (the student) admit guilt but consider the penalty excessive, or should he claim to be innocent, he may ask for a hearing before a review board.

The hearing committee should examine the evidence, hear witnesses as to facts and student's character, and weigh extenuating circumstances.

The student should be permitted to call witnesses on his own behalf and confront and cross-examine those who appear against him.

A final appeal should be allowed.

America's commitment to the great expansion of higher education is one of the exciting developments of our time. As a people, we have dedicated ourselves to the principle that all young people of capacity and ambition will find a place to continue their education -- regardless of family financial ability, race, color, national origin or religion.

The new institutions will play a major role in the fulfilling of our commitment. The first years are the most difficult; the battle will be won or lost then. It will be won if the dedication to the principles of a free institution are clearly expressed and courageously defended.

The Academic Freedom Committee of the American Civil Liberties Union comprised for the most part of university teachers, department heads and administrators, offers its services and will endeavor to be of assistance whenever the occasion arises.

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COPY

Columbia Broadcasting System, Inc.

January 8, 1965

Mr. Alan Reitman
Associate Director
American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

Dear Alan:

Thanks for your good letter of January 6.

You ask me to clarify the general rule that when news personnel become public advocates on one side or another of any public issue or controversy they disqualify themselves from any function related to reporting on that issue. You ask if that means that we assign them to a different position during the course of the controversy and that after the particular controversy is over, the individual is returned to his job.

The issue hasn't come up often enough to state what we have done. But your statement pretty well covers what I believe we would do. For example, if one of our correspondents becomes the leading spokesman on one side or another of the Fire Island controversy (not a hypothetical case), we would not let him report on that particular issue. Obviously he could report on all other news and issues--and he undoubtedly would be able fully to perform all his existing functions. The problem really comes up when it becomes impractical to take a man with broad duties off the coverage of a single continuing issue, and provide a substitute just for that issue. Let me take as an example a news writer on the radio side who is the sole editor of the night shift or who has the responsibility for five or six ten-minute broadcasts on the hour during the day. Let us suppose (although it has never happened) that this news writer, during the election campaign, took a strong public position for the Republican or the Democratic candidate. There, it may not as a practical matter be feasible to let him supervise all other news in the broadcasts but bring in a substitute for the coverage of the political campaign, so that the two in effect work in tandem. In those circumstances, we may have to suspend him from his job for the duration of the pendency of the issue on which he has taken a position.

I hope this clarifies things.

Sincerely,

Richard S. Salant

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York, New York 10010

February 8, 1965

WORKING PAPER, NOT FOR PUBLIC DISTRIBUTION

To: Free Speech/Association Committee

From: The office

Re: Biennial Conference Recommendation on Wartime Measures Affecting Civil Liberties

The following statement has just been submitted to the national office by the Civil Liberties Union of Massachusetts. We hope committee members will read it in time to discuss it as part of the general consideration of civil liberties and national security at this Thursday's meeting.

POSITION PAPER ON CONSCRIPTION

Civil Liberites Union of Massachusetts

Historically, the American Civil Liberties Union has taken the position that government conscription of individual lives is a complete denial of what ought to be a basic civil liberty. Conscription for war or preparation for war raises special problems because it constrains some men to do that to which they are opposed by religious or philosophic conviction. Despite this, the Union has at times felt compelled to recognize the imperative claims imposed by the necessity to maintain national security. Hence, in 1940 the Union did not oppose the draft law, but in 1945 it felt that the case for compulsory military training was by no means strong enough to override the grave objections to conscription in the name of liberty.

Most would agree that the nature of modern war and the pace of the arms race present continuing and urgent problems in reconciling individual rights and liberties and the democratic process with the claims of the common defense. Particularly pertinent are the problems of civilian authority over the military and the restriction of dissent in relation to matters of "clear and present danger."

The Union acknowledges that some restrictions on freedom are required even in a democratic society, when there is general consensus that the limitation is not only in the public interest and constitutional, but also that the danger is real, the proposed measures effective and necessary, and the execution equitable and non-discriminatory. Still, in our society, the burden of proof must be overcome by those who propose restrictions, whether on an assertion of military necessity or other grounds. The military case for continuing the draft must be fully persuasive and open to full and free debate by citizens and the Congress. No cloak of secrecy or "security" should be permitted to justify retaining or imposing so weighty a limitation on individual liberty as conscription.

Finally, the continuing vigilance of the Union should be exercised to see that under whatever provisions for military service and recruitment there is generous protection of the rights of conscience. We reaffirm that the sincerity of conscientious objection should not be judged by the test of a religious formula so narrow as to exclude ethical or humanistic beliefs.

January 8, 1965

January 10, 1965

The January Board Meeting of the American Civil Liberties Union of Georgia was held January 10 at the home of Edward Ladd. The following members were present: Ladd, Morris, Broiles, Dunbar, Glustrom, Hocking, Pauley, with committee chairmen Moran, Johnston, Parker, Pratt, McPhedran, Gibert. Richardson, Bullard and Boaz had notified regrets.

J. Glustrom moved and P. Morris seconded that the minutes of the December 1 Meeting be corrected to change the date on line 2 to read "December 1", and that they then be approved as distributed. Motion carried.

The resignation of Maurice Maloof from the Board was accepted. It was the concensus of the Board to leave the position vacant until the Annual Meeting in April.

The December 4 General Meeting of the ACLU of Georgia was deemed valuable, in spite of the inability, due to flying conditions, of Charles Morgan to be present. Members of the Board who were present are urged to pay their own expenses at the rate of $1.00 per drink, and to send their remittance to the treasurer, John Glustrom, 1286 West Peachtree Street, N.W. as soon as possible. F. Pauley moved and D. Broiles seconded that the treasurer be authorized to pay the bill in full. Motion carried.

E. Ladd noted that he had sent letters to various members in response to criticism that the General Meeting was held on a Friday night which is a Jewish holiday.

F. Pauley moved and D. Broiles seconded that the committee who planned the General Meeting be thanked. Motion carried. P. Morris moved and D. Broiles seconded that Frances Pauley, the chairman, be especially thanked. Motion carried..

C. Moran, Membership Chairman, was authorized to obtain copies of the new "What is the ACLU?" and the pamphlet on the Civil Rights Act.

John Glustrom, treasurer, is authorized to investigate and report on the financial needs of the ACLU of Georgia.

L. Dunbar moved and J. Glustrom seconded that the Board instruct the Chairman to appoint a Nominating Committee to prepare a slate of officers and Board Members to be presented at the Annual Meeting. Motion carried.

H. Gibert, Chairman of the Lawyers Committee, reported that a sub-committee studying the state loyalty oath believes it can easily be declared unconstitutional.

A discussion was held concerning the role and relationship to the Board of the new standing committees, namely, should the Board or the committee itself determine the direction and emphasis of the committee's work. Mrs. Parker, Chairman of the Implementation of the Civil Rights Act Committee requested clarification of the work of this committee. It was suggested that one area of concern should be to be alert to civil liberties threats resulting from the enforcement of the Act.

Mr. Johnston, of the Academic Freedom Committee, reported that his group felt that the Loyalty Oath was of prime importance and should be dealt with first.

Mr. Pratt, of the Ad-Hoc Committee on ACLU Libel Policy, reported on the work of his group. The Board will consider the statement of this committee which will be sent to National at its next meeting.

E. Ladd was requested to instruct committee chairmen concerning board policy and other information at the request of the committees.

The February Board Meeting will be held on February 8th at 8:00 P.M. at the home of John Glustrom.

Respectfully submitted,

Patsy Morris, for E. Richardson

January 13, 1965

Lolis Elie, Esq.
Collins, Douglas & Elie
2211 Dryades Street
New Orleans, La.

Dear Lolis:

This is to confirm the Elie - Dreyfus - Rubin telephone conference of last night.

I would appreciate your looking into the following matter at your earliest convenience:

(1) The enclosed KKK letter contains a clear threat ("Those who do attend this meeting will be tagged as intergrationists and will be delt with accordingly by the Knights of the KU KLUX KLAN."); is it actionable? Can we connect the rights guaranteed under the First Amendment (Peaceable Assembly) and those under the Fourteenth (as Leonard said, what is liberty if not freedom from this sort of intimidation?)? Can we bring suit under any of the Civil Rights provisions?

(2) Can we bring suit as an organization, LCLU vs. KKK? New York will want a voice in this.

I may be able to produce an LCLU member who (a) lives in Bogalusa, (b) had the enclosed left on his lawn at night by parties unknown, and (b) had planned to attend the Brooks Hayes meeting which was called off. (I'm in touch with him at present, but we've got to make sure that anyone who approaches him, including by mail, uses the utmost discretion. He's confined to a wheelchair and is, in Bogalusa, pathetically vulnerable to KKK reprisals. He's also a very courageous man, and has gone up against the Klan publicly.)

The enclosed KKK letter is the one which was left on his lawn.

If it is feasible, I should like this to be an LCLU case -- for selfish, organizational reasons. In addition, I should not like to have our member bring the action; it will be bad enoughh producing him as a witness.

Best,

Steven H. Rubin, President

AMERICAN CIVIL LIBERTIES UNION

156 FIFTH AVENUE

NEW YORK, NEW YORK 10010

January 13, 1965

To: Board of Directors

From: The Office

Re: Academic Freedom Committee's Report on "The New College."

The Committee at its January 12 meeting approved this report, previously circulated to the Board, with editorial changes in the first two and one-half pages of the report. The new text which follows replaces pages 1, 1a, and the first half of page 2 of the text previously sent to you. Would you please substitute the following for the textual material prior to FACULTY PARTICIPATION IN COLLEGE AND UNIVERSITY GOVERNMENT.

THE NEW COLLEGE

In the last 10 years _____ new colleges have been established in the United States. Each year will show a further increase. In the past, new colleges grew slowly; there was time for an evolution of the academic spirit. Now maturity must be achieved overnight if the new college is to leave an imprint of intellectual integrity on the thousands of students who will crowd its campuses in the next few years.

The impact of these new institutions on the students and the community will depend to a great extent on the scholarship and teaching skill of the faculty, the competence and zeal of the administrators and faculty in planning curricula and facilities favorable to learning. It will also depend on the climate of freedom for teaching, for research, and for learning which is the mutual concern of administrators, faculty and students. This climate will determine in large part whether the college becomes merely an efficient business organization whose product is degree students or a sensitive, viable institution of higher learning.

Many governing bodies of new institutions have had little or no previous experience with the purposes and problems of higher education. A heavy responsibility therefore rests upon the newly established administrations, their presidents and deans, and on the faculty. They know the new institution will quickly have to pass a series of rigorous tests.

Will the institution receive accreditation?

Will students who wish to transfer to other colleges obtain recognition and credit for work done?

Will there be created a spirit of freedom of inquiry and a testing of beliefs, whether traditional or new, which will attract and hold good students and inspired teachers and productive scholars?

Confidence and support of parents, students, and the academic community can be obtained only if these challenges are met intelligently and forthrightly. Confidence may be shaken if there are unwarranted pressures either from governing bodies or the community. These pressures may be exerted on such matters as courses of study, selection of personnel, the conduct and deportment of students and teachers on campus and their participation as citizens in social and political movements or activities.

The first years are critical. Hasty judgments and ill considered actions may jeapordize the standing of the institution for years to come. The answers to the following questions may indicate whether, in the long run, the independence of the college from pressures from above and without may be withstood and whether the quality of students and faculty may be maintained.

Is there significant participation of faculty in major policy decisions on curriculum and personnel including appointment, promotion, and dismissal?

May faculty tenure be attained after a limited period of probation?

Are there specific regulations governing non-reappointment and resignation?

Is academic freedom for students and faculty scrupulously guarded?

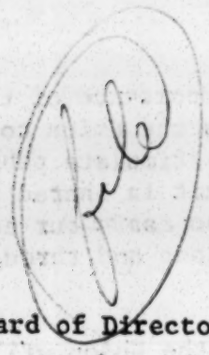
Is due process guaranteed for the faculty member whose fitness is questionned and for a student brought up on charges of misconduct?

On these vital matters of policy members of the academic profession have crystalized their opinion during the past 50 years. The standards they have arrived at are applicable to all institutions -- junior, senior or community colleges, urban, rural or commuting colleges. They are set forth in the excerpts printed below from published statements of the American Association of University Professors, Association of American Colleges, and American Civil Liberties Union.

AMERICAN CIVIL LIBERTIES UNION

156 FIFTH AVENUE

NEW YORK, NEW YORK 10010



January 14, 1965

To: Board of Directors

From: Alan Reitman

Re: Action on the President's Aid to Education Program

On January 12 President Johnson proposed to Congress a $1.5 billion federal aid to education program. Several sections of the program are of special interest to the Union because of their implications for the principle of separation of church and state. These include financial assistance ($100 million) for grants for textbooks and library books for both public and parochial schools; financial aid ($45 million for the first year) to regional educational labortories and other facilities to train public and private non-profit school teachers; financial assistance ($100 million) for creation of special educational centers to be shared by public, religious and other schools, and other programs involving shared time; and federal aid to church-related colleges.

The text of the bill will be analyzed by Jack Pemberton who will report on the substantive issues at this Monday's (January 18) meeting.

Senator Wayne Morse, chairman of the Senate Education and Welfare Committee, and his House counter-part, Congressman Adam Clayton Powell, have said that congressional hearings on the program will be promptly held. Congressman Powell has been reported as saying he plans to have an education bill ready for House action by March 1. Senator Morse announced that his Committee would commence hearings next week. Larry Speiser believes that such speedy action will be taken.

The President's proposals -- and the fast congressional timetable -- present operational problems on which we request your advice.

The basic problem is that -- while we have clear policy opposing public aid to parochial school teachers and purchase of textbooks for parochial schools -- the issues of shared time, shared facilities and aid to church-related colleges have not been finally decided by the Union. The aid to church-related college question is scheduled for Board debate in late February or early March, and the Church-State Committee's recommendation on shared time is now being discussed by affiliate boards and at local membership meetings and is on the agenda of the Board's April 3-4 plenary meeting for policy determination. The question of shared facilities, while related to shared time, is not currently being considered as such within the Union's councils.

These questions arise:

1. Should we issue a public statement now, opposing those parts of the President's program on which we do have policy, and at the same time presenting the pro and con arguments regarding the civil liberties questions surrounding shared time and aid to church-related colleges (while we acknowledge that we are in the process of resolving our own policy on these issues).

Such a statement may be necessary because (a) the importance of the President's program, and its church-state implications, requires the Union to offer comment on constitutional issues, and (b) there is need to stimulate public and congressional discussion on the church-state hazards implicit in shared time and aid to church-related colleges. Such a statement would also assist our educational activity, especially in our relations with other organizations and through affiliate-initiated action.

However, we may find that (a) any such comment from the Union will only further stimulate support for the President's program as a "package" in hostile reaction to the strong separation stand for which we are known, and (b), since major interest is focussed on the shared time issue, our separation comment on other parts of the program may be misread by the press and public to mean either comparably outright opposition to shared time and higher education aid or, coversely, as implied endorsement of them -- despite the care with which we prepare our statement.

2. Since it appears that hearings may be concluded before the Board's April 3-4 plenary meetings, should we (a) decline to testify during the hearings and hope to make our views known later when our policy is decided; (b) testify at the hearings, in the manner described above with respect to a public statement; (c) seek an earlier Board decision, sacrificing the value of the careful corporate decision now in process, and rely on affiliate expression of opinion already received

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The staff recommends an affirmative answer to Question 1 and the choice of alternative (b) in answer to Question 2.

MINUTES

PAY-TV SUBCOMMITTEE MEETING

JANUARY 14, 1965

OFFICES OF MR. RICHARD HEFFNER, TIME-LIFE BUILDING, NEW YORK CITY

Present: Mr. Heffner, chairman; Messrs. Barnow, Evans, Hirschmann

From the Office: Mr. Reitman

The Subcommittee first considered the motion referred to it by the Radio-TV Committee at its December 16 meeting, that the California referendum prohibiting Pay-TV is "in principle, a violation of the First Amendment and has the effect of restraining an open market place of information, and urging that the California affiliates attempt to enjoin enforcement of Proposition 15 passed in this referendum."

Mr. Reitman reported that he had contacted both our Northern and Southern California affiliates concerning their action with respect to the Proposition 15 vote. Our Northern California affiliate replied that they had taken no action to intervene in the suit brought to challenge the referendum vote. No answer was received from our Southern California affiliate, but this statement from its January "The Open Forum" makes clear that it plans to support the suit contesting the Proposition 15 vote: "It is also the purpose of the ACLU to serve as a friend of the court in a constitutional challenge of not only Proposition 14, but, of Proposition 15 as well. We will argue that the outlawing of Pay-TV abridges not only personal rights protected by the First Amendment -- the right of the public to LISTEN to TV programs of their choice, but property rights assured by the Fifth Amendment -- the right to own and manage property for a profit free from arbitrary confiscation or destruction by the State."

The Subcommittee then turned attention to the Committee minutes of May 20, 1964 which discussed the pros and cons of pay-TV, and the Union's present position as adopted on May 16, 1955. This position states: "The ACLU has carefully considered STV because of the possibility that it would increase diversity in TV programming. While the ACLU is concerned that the present STV plans may not increase diversity, we favor its trial, but only upon the following conditions: 1) that there be no sponsors of STV programs, 2) that STV should not be allowed in any city unless there are at least two other free channels broadcasting; 3) the experiment should be limited in time, whatever period is agreed upon; 4) STV programmers must give ample guarantees that the program content will add something not now available, if asked by the FCC. The ACLU should state it is opposed to the various STV plans as they now stand, because of the absence of these safeguards -- and perhaps other safeguards which have not occurred to us. However, we would approve of STV on an experimental basis if these safeguards are adopted together with any others that might seem appropriate in the public interest, as the public hearings may develop, or which may later occur to us."

After considerable discussion which focussed on the ACLU's interest in diversity, the Subcommittee concluded that pay-TV should be vigorously endorsed by the Union as a new form of communication and allowed the fullest freedom within the framework of existing laws governing radio-TV communication. The Subcommittee emphasized that the conditions qualifying the Union's support in 1955

should no longer apply, for these reasons:

1. No Sponsors of TV Programs. This condition does not foster civil liberties, indeed might limit the right of competition among different franchises, and diversity.

2. Pay-TV Should Not Be Allowed In Cities Unless Two Other Free Channels Are Operating. The same reasoning as applied to 1. should govern here.

3. Experiment Limited In Time. Since Pay-TV is no longer in the experimental stage, the condition no longer applies.

4. Pay-TV Must Give Guarantees To Add Program Content Not Now Seen, If Asked by The FCC. There is no basis for such a requirement as it discriminates against Pay-TV.

The Subcommittee also discussed the specific forms of pay-TV, such as community antennae TV, but did not come to any conclusion because of the various technical questions raised. For example, if one form of CATV utilizes the spectrum, then it would come under FCC regulation; if another form uses wires for transmission, it might not. It was agreed that further study of these technical questions is necessary.

(Mr. Dean, a member of the Subcommittee, was detained at a New York City hearing concerning regulation of a community antennae TV service, and asked that the following statement represent his view: "I would like the Committee to consider my private convictions that the objectives of freedom and diversity in communications demand that the entirety of our television channels including broadcasts, micro-wave, and cable be opened up on a non-discriminatory basis to all types of sponsorship and both audience and sponsor payments. And that in my opinion, it should be a positive goal of the ACLU to support converting all channels of television communication to a common carry basis.")

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

January 16, 1964

To: The Board

From: The Office

Re: Capital Punishment

C
O
P
Y

BELL, BOYD, LLOYD, HADDAD & BURNS
Law Offices
135 South LaSalle Street
Chicago 3

January 7, 1964

Mr. John de J. Pemberton, Jr.
Executive Director
American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

Dear Mr. Pemberton:

I am a bit distrubed by the apparent strength among us of the notion that the function of the ACLU is limited to the enforcement of existing legal rights. In fact the views of Mr. Redfield, counsel to the New York Civil Liberties Union, seem to take an even narrower approach, seemingly taking the position that no civil liberties issue is involved unless there is a violation of the bill of rights in the federal constitution.

My concern is aroused by Mr. Redfield's views as discussed in Mr. Dorsen's excellent memorandum on capital punishment (revision of January 2, 1964), in which he shows that Mr. Redfield's position is not supported by the history of the ACLU. Mr. Dorsen urges, properly it seems to me, that our basic interest is with the spirit of civil liberties.

What is consistent with the spirit of civil liberties is often a policy question. It seems to me that the ACLU's concern is with the proper carrying out of our Anglo-American heritage of freedom and its adaptation to changing times. We ought to see to it that this is accomplished, not only through federal and state constitutions but through legislation and administrative action. This means that we ought to be concerned with amendments to federal and state constitutions that might improve them from our standpoint, and also with the policy of legislation and administration that might be admittedly constitutional but still undesirable from our basic standpoint. If I am right in this, the civil libertarian needs not only the tools of the lawyer but -- contrary to Mr. Redfield -- those of "the sociologist, the social worker, the psychiatrist or others who are equipped to determine what means will serve the state best for the solution of the problem." The non-lawyer members of our boards are there to contribute much more broadly than Mr. Redfield seems to envision.

(over)

As for legislation and administrative action, we should be concerned not only with its constitutionality but also with its wisdom. The constitutional standard is necessarily and properly a low standard. As Mr. Justice Stewart has pointed out, "the Supreme Court of the United States is ultimately concerned only with deciding the absolute minimum standards that the Constitution will tolerate." While we may disagree with him and with the courts as to what those minimum standards should be, we certainly agree that a wide range of discretion ought to be left to legislators and administrative officials. They ought to do better than follow merely the constitutional standard. We ought to be greatly concerned with how their discretion is exercised.

Inasmuch as my point goes far beyond the issue of capital punishment and seems central to the whole function of the ACLU, I would be glad to have this letter brought to the attention of the National Board.

Very truly yours,

/s/ Walter T. Fisher

Walter T. Fisher

WTF IG
Copy to
Mr. Franklin S. Pollak

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

January 16, 1964

To: The Board

From: The Office

Re: Capital Punishment

January 9, 1964

To: Jack Pemberton

From: Roger Baldwin

Re: Capital Punishment

For what it's worth, I offer the following suggestion to you concerning our position on the death penalty as a matter of principle:

Considering that the death penalty precludes any correction of convictions later found to be cankered by doubt; and considering further that it has in fact been unjustly imposed under pressure of public excitement or prejudice and often for crimes not involving murder;

And bearing in mind that it has been abolished in 8 states* and many foreign countries as repugnant to moral principles and as inefficient in deterring crime,

The American Civil Liberties Union, while not regarding abolition as coming within the terms of the Bill of Rights nevertheless opposes it because it places beyond remedy any possible miscarriage of justice and thus denies basic rights, and because it violates at least the spirit of the guarantee against cruel and unusual punishments, particularly as applied to lesser crimes than murder.

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* In 12 other states, executions are very rare.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

AGENDA

BOARD OF DIRECTORS MEETING

MONDAY, JANUARY 18, 1965 - 12:30 P.M.

156 Fifth Avenue - Room 725

1. Minutes of January 4 meeting.

ACTION

2. Academic Freedom Committee recommendations concerning:

   a. Civil rights arrests and convictions of students (see draft distributed with December 21 Board agenda, together with minutes of January 4 meeting -- item 5).

   b. New colleges (January 7 draft prepared for January 12 Academic Freedom Committee meeting enclosed).

3. Recommendation of the Free Speech and Association Committee concerning:

   a. Newspaper refusals of non-commercial advertising (Channick memorandum of January 7, 1965 and Wulf-Robinson correspondence enclosed).

   b. Privacy limitations on non-commercial expression (mimeographed reproductions of Pilpel and Schwartz articles and the Goldfarb opinion by Justice Greenberg enclosed).

4. Designation of an Administrator of the staff group insurance plan.

5. Administration Committee recommendations on Kansas affiliate application.

6. Executive session discussion of executive salaries.

INFORMATION

7. Loyalty oath developments.

8. Further harassment of Tobias Simon.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

MINUTES

BOARD OF DIRECTORS MEETING

MONDAY, JANUARY 4, 1965 -- 12:30 P.M.

PRESENT: Mr. Millis, presiding; Messrs, Bierstedt, Black, Crowell, Ennis, Frank, Maslow, Meserve, Rice, Soll, Waring; Judge Kenyon; Mrs. Pilpel.

Office: Messrs. Pemberton, Reitman, Wulf, Adler, Haskell, Bucholz; Mesdames Floyd, Katz; Miss Strickland.

Visitors: Mr. and Mrs. Edward Allen (Iowa Civil Liberties Union), Mr. Aryeh Neier (New York Civil Liberties Union).

1. Minutes. Mr. Soll corrected the minutes of December 21, 1964 at item 7 (the second sentence of the second paragraph) to read: "Mr. Soll remarked that, generally speaking, investigations by executive agencies without any relation to prosecution or by congressional committees without any relation to legislation but simply for the sake of publicizing information about individuals or groups are dangerous, and Mr. Black questioned whether the proposed Commission would turn out to be a booby trap such as HUAC." Mr. Pemberton corrected the last sentence of item 7 to read that not only would a review of the 1953 ACLU position on broadcasting Congressional hearings be asked of the Free Speech and Association Committee but also of the Due Process Committee. The minutes were approved as corrected.

2. Death of William Woolston. The Board unanimously passed a resolution expressing its sympathy to Mrs. Woolston and noting the energetic and invaluable contribution Mr. Woolston made to the cause of civil liberties as a member of the Greater Philadelphia Branch Board of Directors.

3. Financial report. Mr. Haskell reported that the total membership contributions for 1964 will probably be between $870,000 - $875,000, uncertainty being due to the normal lapse of time required to receive reports from affiliates having primary membership responsibility. He added that it will be another month before these figures are final.

4. Plenary Board meeting. Mr. Pemberton pointed out that the Plenary Board meeting scheduled for April 10 and 11 conflicts with the annual meeting of the American Association of University Professors and that many of the same people are involved in the two meetings. Moreover, the National Civil Liberties Clearing House has scheduled its annual conference in Washington for April 1 and 2, and many ACLU Board members (including affiliate representatives) may want to attend both. He proposed therefore to advance the ACLU Plenary Board meeting to April 3 and 4, thus allowing those who wish to attend both meetings (and perhaps travel a considerable distance in the process) to do so more conveniently. A motion to adopt this proposal was passed, and it was agreed that the office would reschedule the regular Board meetings if necessary.

5. Recommendation of the Academic Freedom Committee. Mr. Bierstedt recommended that the statement of December 1, 1964 entitled "Academic Freedom and Civil Liberties of Students in

Colleges and Universities" (previously circulated to the Board) be accepted and included in the academic freedom pamphlet. Mr. Soll questioned whether this statement was consistent with the Berkeley Academic Senate's 5 point program for student civil liberties at Berkeley which the Union had supported. Mr. Crowell questioned whether this statement could be interpreted to mean that we support even violent demonstrations in conjunction with civil disobedience, to which Mr. Reitman responded by saying that Ernest Besig (Exeuctive Director of the ACLU of Northern California) has made it clear that the Northern California affiliate, in defending the students, is not supporting civil disobedience. Mr. Frank moved that the statement be referred back to the Academic Freedom Committee so that it could be reconsidered in light of the broader issues raised by the events at Berkeley. After further discussion this motion was voted on and carried unanimously.

6. Evans Fund Grant. Mr. Reitman asked the Board to approve a grant of $1,000.00 in order to distribute 1,000 copies of the appendix to the ACLU brief in U.S. v. Mississippi to appropriate individuals and institutions. He added that an additional 1,000 copies would also be available for sale. A motion to approve this grant carried unanimously.

7. Letter to President Johnson. Mr. Pemberton presented the draft of a proposed letter to President Johnson regarding the vacancy in the United States Court of Appeals for the Fifth Circuit, adding that since the letter was written there have been two pertinent developments: (1) Judge Hutchenson has resigned thereby leaving another vacancy to be filled, and (2) it has been proposed that, because of the extremely heavy load on the Fifth Circuit, four more judges be added to the Court. Mr. Pemberton then asked the Board's advice on both the substance and the strategy of the letter. Mrs. Pilpel stated that she very definitely felt the letter should be sent for she understands that the President would appreciate more pressure from liberal elements. However, she felt that the letter should be modified and shortened considerably. Judge Waring agreed that a letter should go as soon as possible and also that it should be shorter and more frank, and that the office should make this of primary importance. If necessary, officers of the Union should go to Washington personally to emphasize the letter's importance. Mr. Rice expressed an opposing opinion stating that any deviation from our policy of non-support or opposition to candidates sets a dangerous precedent for interfering in political affairs; this puts the ACLU in a position we have never taken and never should take. Mr. Soll agreed saying that it will be hard to dissuade the public that we aren't saying in effect, "if you're not on our side, we don't want you." After further discussion, Mrs. Pilpel moved that a letter be sent to the President and that the Chairman appoint a committee of three persons to confer with the office regarding the revised letter. The motion carried by voice vote with two negative votes.

8. Memorial service for Alexander Meiklejohn. Mr. Pemberton announced that a memorial service for Mr. Meiklejohn is planned for January 19, 1965, at 5 P.M. at the Community Church located at Park Avenue and 35th Street.

9. Aryeh Neier's move to the NYCLU. Mr. Pemberton announced that Mr. Neier has assumed the duties of Deputy Executive Director of the New York Civil Liberties Union and that upon next spring's retirement of Mr. Rundquist, presently Executive Director, he will assume that post. Mrs. Pilpel moved that the Board express its warm appreciation to Mr. Neier for the extraordinarily effective work he has done. Her motion passed unanimously.

10. Letter to Speaker McCormack. Mr. Pemberton presented the letter sent to Speaker John McCormack regarding the seating of the Mississippi congressional delegation. The Board expressed general approval of the letter.

11. Referral to Due Process Committee of policy question relating to "probable cause" standards required for arrest warrants, etc. Mr. Wulf stated that the office was seeking the Due Process Committee's advice concerning the standards required for establishing "probable cause." He described a recent article in the Village Voice expressing the opinion that the Commissioner's action in dismissing the charges against 21 Mississippians was valid and legitimate, given the evidence submitted by the government. Mrs. Pilpel suggested that the inquiry be broadened to encompass changes necessary on behalf of the prosecution to provide better for southern justice. Mr. Wulf reported that there is an ACLU action in preparation in Mississippi to challenge the composition of both grand and petit juries generally.

12. Report on HUAC abolition effort. Mr. Reitman reported that the ACLU's new pamphlet, "The Case Against HUAC," had been sent to all the members of the House of Representatives and would also be distributed to the affiliates and members. He further reported that, because of liberal Congressional concensus, the issue of the abolition of HUAC would not be pressed on the opening day of Congress, but rather that Congressman Edwards will speak on the floor of the need for debate about HUAC at the time of appropriations. Mr. Reitman pointed out that currently three new HUAC cases are being handled by ACLU: Donna Allen, Dagmar Wilson and Russell Nixon were subpoened to appear before the Committee and then cited for contempt when they refused to testify in an executive session. In response to Mr. Maslow's comment that there is a broader need for a code of fair procedures to be applied to both House and Senate Committees, Mr. Pemberton pointed out that the Due Process Committee is presently considering an extensive policy memorandum by David Ellenhorn on this subject.

13. "Come Home John Goldfarb." Mr. Soll reported that the Free Speech and Association Committee intended to examine the right of privacy issue involved in the court injunction against the showing of the movie, "Come Home John Goldfarb," and the claim of Father Hesburg that his name was used for commercial purposes without his consent. Mrs. Pilpel commented that the Goldfarb case was not a clear case of the conflict between free expression and the right of privacy for commercialization was indeed involved, and a better case is the one involving Warren Spahn who secured an injunction against the distribution of his (unauthorized) biography because -- in part -- it probed into his feelings regarding his father and his wife and thereby, he claims, invaded his right of privacy. The Free Speech and Association Committee hopes to make a recommendation to the Board in sufficient time for action in the Spahn case, if action is voted.

After further discussion, the meeting was adjourned.

ROGER N. BALDWIN

282 WEST 11th STREET

NEW YORK, NEW YORK 10014

January 21, 1965

Dear colleagues in the ACLU:

Among the nominations for the National Board is that of Professor Norman Dorsen, Director of the Civil Liberties Center at New York University Law School.

Although I have never before suggested the election of any candidate, Mr. Dorsen's exceptional value as a prospective member of the Board prompts me to commend him. I have been closely associated with him in the development of the Arthur Garfield Hays Center, and know his enthusiasm for our purposes, his ability, tested by his record, and his good judgment. Only because others may not appreciate his qualifications, do I venture this endorsement. I trust he may have your favorable consideration.

Sincerely yours,

Roger Baldwin

Roger Baldwin

January 26, 1965

TO: Board of Directors, Illinois Division, ACLU

FROM: Marc Galanter and Bernard Weisberg

RE: Response of Illinois Division to "Proposed Policy Recommendation on the Issue of Shared Time" dated May 29, 1964, prepared by the ACLU National Church-State Committee.

BELOW IS A PROPOSED RESPONSE: REFERENCES ARE TO PARAGRAPHS IN THE NATIONAL STATEMENT.

1. In view of the lack of decisive precedent and the 'infinite variety' of factual situations that may be involved in shared time arrangements, we believe that it is not presently useful or desirable to make pronouncements on thepossible constitutionality of such schemes in the abstract.

2. We believe that it is desirable to sketch some minimal standards or constitutional guidelines, as is done in paragraphs 3-6, along the lines that such programs be non-discriminatory, involve no relinquishment of public school authority, etc. We would strongly emphasize the necessity of retention by public school authorities of full control over all aspects of any shred time program (e.g., subjects to be covered, grading, student discipline, choice of teaching materials). Public schools should not enter arrangements in which they act as mere agents of private schools or in which public andprivate school administrations are so entangled that the latter make policy for public schools.

3. However some of the applications inferred from the suggested guidelines seem less than obviously correct and require further consideration in the light of more detailed information about particular schemes, e. g., the permissability of taking shared time into account in determining the size of schools, but not in determining their location (end of paragraph 5); and the impermissability of busing (end of paragraph 6).

4. In view of the potential impact of shared time on the quality of education and eventually of civic life, we believe that ACLU should not hesitate to address itself to the 'policy' elements of shared time that seem likely to affect civil liberties in the long run. In particular, we are concerned with the possible weakening of civic eduation through the proliferation of private schools and with the possible impairment of the independence of the public schools by arrangements in which they would be subject to pressures from private school administrators. On the other hand, we are not unaware of the policy arguments favoring shared time as providing broader educational opportunities, a wider constituency for public schools, etc.

5. Because of the many uncertainties, both of constitutionality and of practical effect that beset shared time, it would be appropriate for the Union to urge that where such programs are undertaken it should be on a truly experimental basis. The Union should urge that such schemes be designed to avoid any commitment beyond the time necessary to determine (a) its educational and social effects, and (b) the feasability of administering it with a proper regard to constitutional limitations. The Union should urge that experimental programs not be conducted in a fashionthat would make them difficult to discard or modify (e. g., by large investment in otherwise unusable plant).

6. The Union should urge that, in order to reap the benefit of the experimental character of such arrangements, some provision should be made for continuous and systematic observation of such schemes by qualified persons. This might, for example, take the form of a committee of educations, social scientists and lawyers, unconnected to the school systems involved but given full access to all pertinent information. The purpose of such a committee would be to report to al public on the educational problems and achievements of the share time scheme and on the extent and problems of compliance to constitutional limitations. Such reporting would inform and promote public discussion before there is any irrevocable commitment to extensive shared time programs.

7. In view of the paucity of information about the actual operation and effects of shared time programs, particularly their "church-state" aspects, it is recommended that the Union consider it a matter of high priority to gather reliable information about this, either independently or in cooperation with other bodies. A careful and impartial empirical survey would be a service to all concerned with this issue and would facilitate the formation of Union policy on this matter.

8. The Union should actively seek opportunities to discuss the planning of shared time programs with public school authorities and other interested groups with the goal of insuring the observance of constitutional guidelines, imparting an awareness of those policy aspects which may have an impact on civil liberties and insuring that the programs have a genuinely experimental character.

ILLINOIS DIVISION
AMERICAN CIVIL LIBERTIES UNION

BOARD OF DIRECTORS
MINUTES
January 26, 1965

Present: Franklyn Haiman, presiding; Byron Miller, Lillian Herstein, Alex Polikoff, Dr. Martin Bickham, Stanley Kaplan, Marvin Rosner, William Brackett, Bernard Weisberg, Hugh Schwartzberg, Fr. Robert Powers, Marc Galanter, George Pontikes, Charles Liebman, Fr. Robert Taylor.

Guests: Mr. & Mrs. Todd Pavela, Morton Rywick, Philip Green, Norman Schwartz, Peter Kurek, John Wolnhofer, Raymond Mostek, Mrs. Byron Miller, Mrs. Robert Powers, Sarah Ainsworth, Harvey Nash, Fr. McGrath, Mr. and Mrs. Franklin Pollak, Mrs. Joel Sprayregen, Gerald R. Adler, Barbara Birthwright.

Staff: Ronald Silverman, Jean Erkes

THE FOLLOWING ARE THE MINUTES OF THE SPECIAL ILLINOIS ACLU BOARD OF DIRECTORS MEETING ON TUESDAY EVENING, JANUARY 26, 1965 CALLED BY THE BOARD AT ITS OCTOBER 22, 1964 MEETING TO FURTHER CONSIDER SHARED TIME.

SHARED TIME - A special open meeting of the Illinois ACLU Board of Directors and Advisory Committee was held to consider Illinois ACLU's position on National ACLU's proposed policy statement regarding shared time. The general membership was invited to attend this meeting and was requested to notify the Chairman in advance if they desired to present testimony. Three people advised the office of their desire to address the meeting; one later withdrew his request because of the inclement weather.

Byron S. Miller briefly summarized the proposed policy statement of the National Church-State Committee; the Illinois ACLU Board recommendation (see minutes of 6/4/64), and the recommendation of the Illinois Church-State Committee dated 8/11/64.

Mr. Miller then moved that the Illinois Church-State Committee statement be adopted. The motion was seconded.

Testimony was taken from the floor. Mr. Gerald Adler, an ACLU member from Evanston and Mr. Raymond Mostek read their statements.

A position paper, prepared by Messrs. Marc Galanter and Bernard Weisberg, which differs from the Illinois Church-State Committee's response and the National proposal was summarized by Mr. Galanter. (Complete text of the Galanter and Weisberg statement appears on the reverse side of these minutes.)

After lengthy discussion, Mr. Brackett moved that the response of the Illinois Church-State Committee be amended by elevating the portion thereof which deals with financial aid to a flat statement that this makes shared time unconstitutional, followed by a definition of shared time. The motion was seconded, voted upon and defeated.

The meeting then proceeded to consider the original motion. The motion was defeated by a 7-6 vote. It was then m/s/c that the Illinois Division adopt, as a response to the National ACLU statement, the statement prepared by Messrs. Galanter and Weisberg. The motion was carried by a 7 to 5 vote. Dr. Haiman then asked for a show of hands of those who supported the National statement. Four Board members indicated support.

1236 Springdale Road, N.E.
Atlanta, Georgia 30306
January 21, 1965

MEMORANDUM:

TO: Board Members, and Others

At the ACLU Board Meeting on January 10, 1965, I was instructed to act in the Board's name to appoint a Nominating Committee, which is to nominate officers and Board Members for consideration by the membership at the Annual Meeting in April.

I hereby appoint the following:

From the Board: Mrs. M. E. Richardson, Chairman, 755 Park Lane, Decatur
Mrs. Frances Pauley, 943 Clifton Road, N.E., Atlanta 30307

From the Membership:
Mr. David Comer, III, 210 North Avenue, N.W., Atlanta
Mr. Howard Moore, Jr., 859½ Hunter Street, N.W., Atlanta
Mrs. Neal C. Moran, 1802 East Clifton Road, N.E., Atlanta

Will the Committee please bear the following in mind:

1. Nominations are needed for six officerships for 1965-66:

   President
   1st Vice President
   2nd Vice-President
   Secretary
   Corresponding Secretary
   Treasurer

2. Nominations are also needed for members of the Board of Directors. If the Board is to remain at its present size (14 members), the following nominations are needed:

   Three candidates for terms expiring in 1968
   One candidate for an unexpired term, ending 1966 (replace Maurice Maloof
   One candidate for an enexpired term, ending 1967 (replace James Holloway, filled pro-tem by the Board, which named Frances Pauley)

3. "At least two months before the (April) annual meeting the membership shall be notified by mail of the nominees proposed by the nominating committee" (Section VIII, Constitution). This will be done in the issue of the affiliate's newsletter scheduled to be mailed about February 12th.

4 Subsequently, "additional nominations may be made by petition of any two members, provided there is attached to such petition a signed statement expressing the nominee's willingness to serve if elected; any such petition to be filed with the Secretary (Mrs. Richardson) not later than one month before the annual meeting." (Section VIII, Constitution.)

The Committee Chairman, Mrs. Richardson, has copies of the Constitution and statements of all affiliate policies and the names of all incumbents. She will be given a list of members as up-to-date as possible and other relevant information.

Although the Nominating Committee will begin its deliberations immediately, it will delay for a number of days before making final decisions. I hope Board Members not on the Nominating Committee will send or telephone suggestions to Mrs. Richardson or other members right away.

Edward T. Ladd, President

THE NEW REPUBLIC JANUARY 30, 1965

Edging Away from Capital Punishment

As Britain prepares to outlaw the death penalty this year and Canada seems ready to follow suit, new attempts are being made to sack the executioner here.

Among states that will be considering bills to abolish or limit capital punishment are California, New York, New Jersey, Massachusetts and Tennessee. Kentucky, whose legislature is not in regular session this year, will be asked to take up an abolition bill next year. In the last decade more than half the states have studied measures to remove or modify the death penalty. Legislative hearings on the subject in California, which has executed 500 persons, have become as ritualistic as an execution itself. In 31 years the state's Senate and Assembly have dealt with death penalty bills 20 times. The penalty remains, but California, which used to be called bloodthirsty, has not dropped a cyanide pellet in two years.

Six years ago the American Civil Liberties Union's national board took the position that "capital punishment is not at this time a civil liberties issue, but in particular cases the character of the punishment combined with the surrounding circumstances of the case might raise a civil liberties issue." Now the ACLU is re-examining its position and debating whether capital punishment *per se* violates constitutional guarantees of due process and against cruel punishments.

Emanuel Redfield, counsel to the New York Civil Liberties Union, contends it does not. "Argument that a greater proportion of a certain race is convicted of a capital crime does not by itself call for its abolition, for logically this argument would call equally for the abolition of any other penalty when it can be shown that a higher percentage of a certain race is punished," he says. "Nor is lack of counsel an adequate ground. Abolition of capital punishment can be justified on many grounds, but not because of procedural problems arising in the *administration* of the criminal law. The errors and abuses found in a capital case should be corrected, as should those in trials for other crimes." Redfield feels that abolition is not a cause which ought to be espoused by the ACLU.

Norman Dorsen, associate professor of law at New York University Law School, insists that it is. Dorsen, a member of the ACLU's due process committee, says that because it is capriciously applied, the death penalty discriminates against the poor, the uneducated and the Negro. Since 1930, 53.7 percent of those executed in the US have been Negroes. In the Southern and border states and the District of Columbia, 72 percent were Negroes. A study of Ohio showed that in the 1950's, 78 percent of Negroes and 51 percent of whites found guilty of capital offenses were executed.

"Jury selection also operates unfairly in capital cases because panels are chosen partly on the basis of a belief in the death penalty," Dorsen says. "The result seems to be that the state is protected from a jury biased against a capital conviction, but the defendant is not protected from a jury biased in favor of it."

Until recently no one thought the Supreme Court would declare capital punishment unconstitutional. In October, 1963, Justices Arthur J. Goldberg, William O. Douglas and William J. Brennan suggested the death penalty might violate the cruel and unusual punishment clause when imposed on a rapist who neither took nor endangered the life of his victim. They dissented when the Court refused to review convictions of two men under death sentence for rape in Virginia and Alabama. The Court may reconsider what constitutes cruel and unusual punishment.

The death penalty is in fact being abolished gradually in the US.* Forty-one states, the federal government and the District of Columbia retain it, but Oregon outlawed it after a referendum last November, following the example of Alaska, Hawaii, Maine, Michigan, Minnesota, North Dakota, Rhode Island and Wisconsin. Not all of these have abolished the penalty outright. Michigan and North Dakota prescribe it for treason. North Dakota also permits it for first-degree murder committed by a prisoner who is already serving a life sentence for first-degree murder; Rhode Island makes it mandatory for murder committed by a prisoner serving a life sentence.

* ACLU Office Note: The following information is from the New York Committee to Abolish Capital Punishment: In 1963, national execution figures were the lowest ever recorded -- only 21. This is less than half the number (47) executed in 1962. However, the number of prisoners under sentence of death as of January 1, 1964, was 275, a figure that has been rising steadily in recent years. Thus the low number of executions is not so much a reflection of growing unwillingness to convict as it is a result of an increasing period of "elapsed time" between imposition of death sentence and execution.

The number of executions in the US has fallen from an annual average of more than 165, during the 1930's, to a score or two each year. Many jurisdictions that retain the death penalty have not used it in years – at least 30 years in New Hampshire, 20 years in Wyoming and Montana and 18 years in Massachusetts. In the District of Columbia the last execution was in 1957 and the US Attorney's office's policy is not to ask for the death penalty.

Most penologists favor abolition of capital punishment; most policemen do not. Myrl Alexander, director of the Federal Bureau of Prisons, says, "There is a growing recognition among judges and juries that the death penalty is a remnant of barbarism. People are more interested in getting at the causes of crime." FBI Director J. Edgar Hoover says capital punishment is a deterrent to crime, and adds: "The savagely mutilated bodies and mentally ravaged victims of murderers, rapists and other criminal beasts beg consideration when the evidence is weighed on both sides of the scales of justice." But in fact there is no significant difference between homicide rates in states that have the death penalty and those that do not.

Richard A. McGee, administrator of the California Youth and Adult Corrections Agency, says of retribution: "Punishment for punishment's sake is and should be repugnant to modern civilized man." James V. Bennett, who just retired as Bureau of Prisons director, advocates abolition of capital punishment for such crimes as rape and armed robbery, but its retention for treason and desertion of the military in war, and for "atrocious" crimes – bombing an airplane or assassinating a President. In the "atrocious" cases Bennett would require the defendant to be examined by a psychiatrist before trial. If a jury found him guilty, he would then be given a second jury trial to determine punishment and, if the death penalty were recommended, the judge would have to concur.

In Europe only France and Spain actually execute people. The Soviet Union abolished the death penalty in 1947 but reintroduced it three years later for traitors, spies and saboteurs and since then has extended it to terrorism, some cases of murder and various economic crimes – embezzlement of state property, bribery, speculation and counterfeiting. The British House of Commons voted 355 to 170 in December to end the death penalty for murder; the abolition bill did not, however, cover military capital punishment in such cases as treason, mutiny and aiding the enemy, but only three persons have been executed under these wartime laws in the last 100 years. The third reading of the British abolition bill probably will be in February, and the House of Lords, which has twice blocked such measures, is expected to approve the bill.

Britain's example should aid abolition efforts in the United States, but Howard B. Gill, director of the Institute of Correctional Administration at American University, says the death penalty will not be abolished completely for a long time. "The public fears that the mad murderer will be released from prison only to strike again," he says. "No matter how much penologists, psychiatrists and judges talk about rehabilitating prisoners, we have to admit we are just at the beginning of professional treatment for them. Until we can assure the public that we can distinguish between the untractable criminal and the one who can be rehabilitated, we won't see the end of the executioner."

SUSANNA MCBEE

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

February 1, 1965

To: Due Process Committee
From: Mel Wulf
Re: Meeting, Wednesday, February 10, 1965, 4:30 P.M., ACLU office.

AGENDA

1. Arrest records.

2. Federal prosecutions and probable cause with special emphasis upon Meridian, Mississippi. (Sidney Zion/Village Voice article enclosed.)

3. Is clemency a civil liberties issue?

4. Peremptory challenges as a method of excluding Negroes from jury service.

The arrest record material has been previously circulated. If you need replacements, please call my secretary, Mrs. Greene. You will receive a supplementary memorandum in a few days.

Memoranda on the clemency and peremptory challenge items will also be forwarded in a few days.

Please return the enclosed postcard to indicate whether you will attend the meeting.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

AGENDA

BOARD OF DIRECTORS MEETING

MONDAY, FEBRUARY 1, 1965 - 12:30 P.M.

156 FIFTH AVENUE - Room 725

1. Minutes of January 18 meeting.

ACTION

2. Radio-TV Committee recommendations (minutes of January 20 meeting will follow):

   a. Political activity of broadcasting personnel (correspondence with networks and excerpt from December 16 minutes enclosed).

   b. Pay television (minutes of sub-committee on Pay TV meeting enclosed).

3. Executive session on executive salaries.

INFORMATION

4. Loyalty oath developments.

5. Further harassment of Tobias Simon.

6. Program of the National Council for Civic Responsibility.

7. Developments in LCDC and LCCRUL (letter of Mr. Pemberton to Mr. Abram enclosed).

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

MINUTES

BOARD OF DIRECTORS MEETING

MONDAY, JANUARY 18, 1965 -- 12:30 P.M.

PRESENT: Mr. Angell, presiding; Messrs. Bierstedt, Black, Crowell, Ennis, Evans Fraenkel, Hacker, Jones, Lacy, Millis, Soll, Westin; Mesdames Jacobs, Pilpel; Judge Kenyon.

Office: Messrs. Pemberton, Haskell, Bucholz, Adler; Mesdames Floyd, Katz; Miss Strickland.

Visitor: Mr. Alan Schwartz.

1. Minutes. Mr. Pemberton corrected the minutes of January 4, 1965, regarding the Evans Fund Grant (item 6), stating that 500 rather than 1,000 copies of the appendix to the ACLU brief in United States v. Mississippi could be printed with the alloted $1,000.00, and that an additional 500 copies would be printed and offerred for sale. Mrs. Jacobs pointed out that she was present at the meeting of January 4, though the minutes do not show it. The minutes were approved as corrected.

2. LCDC request for loan. Mr. Pemberton presented the request of the Lawyers Constitutional Defense Committee for a loan of $10,000.00. He pointed out the fact that in the South and especially in the state of Mississippi there is a serious need for legal aid which is not being met, and stated that LCDC hopes to send at least one staff person to Mississippi on a permanent basis, and also to recruit some volunteer lawyers to spend substantial time in the South during the winter just as they did last summer. LCDC has applied to foundations for grants, but Mr. Pemberton explained that there has been a delay in receiving any such aid because of the foundations' concern that there not be an overlap of function between LCDC and the Lawyers Committee for Civil Rights Under Law. Mr. Pemberton expressed his judgment that this conflict would be revolved either by an agreed-upon coordination or the withdrawal of LCCRUL from competition for these foundation grants and he recommended granting the loan for a period of no longer than four months. The purpose of the loan would be to close a dangerous gap in legal representation. A motion approving this recommendation carried unanimously.

3. Administrator of the staff group insurance plan. Mr. Pemberton explained the need - for purposes of government regulation - of an officially designated administrator of the group insurance plan recently adopted for the employees of the national office, both executive and clerical, and proposed that he be designated to this position. The Board so designated Mr. Pemberton.

4. New Kansas affiliate. Mr. Lacy reported the recommendation of the Administration Committee to approve the formation of a new affiliate in Kansas, with the status of the Greater Kansas City (Mo.) affiliate remaining as it is. The status of members in Kansas City, Kansas, and the Kansas suburbs would be worked out with the consent of the Greater Kansas City Civil Liberties

Union, and by-laws of this affiliate would be amended to this effect. The Board unanimously adopted this recommendation.

5. Academic Freedom Committee recommendations. Mr. Bierstedt introduced Mr. Hacker who presented the revised text of Section V of the pamphlet, "Academic Freedom and Civil Liberties of Students in Colleges and Universities." Mr. Hacker pointed out that it does not refer specifically to the Berkeley situation but instead was purposely made to apply to all academic communities. Mr. Westin felt that paragraph V C should be more explicit regarding the privacy of students' non-academic activity, for many government officials and even private agencies often make inquiries concerning what a student has said in a classroom or to a teacher. No one, he asserted, considering a student for employment - or for any reason - should ever permit its investigators to ask these questions. Mr. Ennis, agreeing that such inquiries are improper, moved that the revised pamphlet reflect this view. His motion carried unanimously. Mr. Fraenkel stated that the common practice of requiring individuals to divulge all arrests including those not followed by convictions, as in the case of the United States Civil Service application, is equally improper. He pointed out that the Due Process Committee was studying this practice and suggested that a caveat negating implied approval of the practice in the case of arrests for other than political activity should be included in the Academic Freedom pamphlet. The Board adopted his suggestion.

Mr. Bierstedt presented a motion to send the Board's atatement on New Colleges to the administrators of new colleges, and Mr. Hacker pointed out that there is a need to educate the governing bodies of these institutions as well as the community leaders. After further discussion, the motion carried unanimously.

6. Pat Malin Commerative Meeting. Mr. Angell announced that the ACLU had been working in conjunction with Swarthmore College and the Board of Directors of the Robert Colleges to plan a commerative meeting for Patrick Murphy Malin. Permission from his family has been received, and plans are underway for a service to be held at the 15th Street Quaker Meeting House in March or early April.

7. Recommendations of the Free Speech and Association Committee. Mrs. Pilpel presented the recommendation of her committee that the ACLU enter the Warren Spahn case. She explained that in this case there was no allegation of libel or of illegal conduct invading privacy (as distinguished from publication), but that there are charges, inter alia, that the material presented in the book is factually incorrect. The Supreme Court of New York ruled that the biography violated Spahn's right of privacy, and the case is now on appeal in the Appellate Division. The FSA Committee recommended that our brief present two positions: (1) that a non-libellous factual biography of a public figure dealing with his private life does not violate his right of privacy, and (2) that no injunction should ever prevent a book from being published. Mrs. Pilpel then introduced her partner, Mr. Alan Schwartz, who presented the argument against entering the case. He pointed out that the facts are unclear from the opinion of the judge, and there is no clear indication of what holding the decision is based upon -- whether upon the invasion of private life, the factual errors, or a determination that the book as a whole was a fictionalization (and hence a commercial exploitation of Spahn's name). Mr. Schwartz suggested that the Spahn case may well involve a fictionalization with no relevance to the public interest in free expression. Moreover, the individual should have some protection for that part of his life which is purely personal. Mr. Soll pointed out that the FSA Committee is looking into broader questions of the free

expression implications of the right of privacy, but that since the Spahn case is currently being argued in the Appellate Division it would be necessary to authorize an ACLU amicus brief now, if one is to be filed. A lot of error and speculative representation of the subject's introspective thoughts, he asserted, does not necessarily make a book a "fictionalized biography."

Mr. Fraenkel stated that he did not feel that the FSA recommendation was responsive to the need, and that an amicus brief should not be filed unless the issues are more sharply defined. Mr. Westin concurred with this view saying that the Union's expertise could contribute importantly to the unfolding development of the law on this collision of values, but that this would be sacrificed if a Spahn brief now foreclosed any of the result of the careful work being done in the FSA Committee. Mrs. Pilpel sought to clarify the issue by stating that anything presented as factual material -- either in a magazine, paper or book -- even if in error, should be protected. Mr. Schwartz remarked that there seemed to be a difference between factual error -- which should be allowed -- and imaginary dialogues over incidents related to these errors. Mr. Lacy agreed that this was an exceptionally murky case in which to try to clarify the issues and suggested that the ACLU view on the injunctive remedy could better be presented in a case in which the facts permitted us to be clearer as to what the substantive issues are. Mr. Hacker pointed out that modern taste suggests that nothing about a private life in a biography is any longer irrelevant to the public interest, while Mr. Crowell doubted whether the law ever would or could impose good taste and good research as a requirement of biographies. Mr. Fraenkel thereupon moved to lay on the table the Committee's recommendation as to the first (the substantive) position to be taken, and his motion carried by a voice vote.

Mr. Fraenkel then asked if the FSA Committee felt it important to file a brief on the injunction aspect alone? Mrs. Pilpel and Mr. Soll expressed differing views on this and, accordingly, Mr. Fraenkel moved to table the remainder of the recommendation and this motion likewise carried.

(At this point, several of the Board members left so that there was no longer a quorum.)

8. President's Bill on Aid to Education. Mr. Pemberton presented the staff's recommendations on the President's Bill on aid to elementary and secondary education and the members present expressed agreement with the staff recommendations.

Office Note: The office earlier reported that our Washington director, Lawrence Speiser, would represent Mrs. Dagmar Wilson, Mrs. Donna Allen and Russell Nixon who were cited and indicted for contempt of Congress in refusing to answer questions of the House Un-American Activities Committee. The incident arose when the HUAC began an investigation last month of protests made to the State Department in 1963 against the Department's original refusal to allow Professor Kaoru Yasui of Japan to enter the United States for a series of peace meetings. The three witnesses refused to testify in an executive session, asking HUAC for an open hearing. Differences have developed in the handling of the cases and it was mutually agreed that private counsel should be regained in place of ACLU attorneys who have been representing the defendants until now. This decision reflects no diminution of interest on the part of the ACLU in the civil liberties issues involved and ACLU intends to participate amicus at an appropriate stage in the proceedings.

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

February 1, 1965

To: Free Speech Committee
From: Mel Wulf
Re: Meeting, Thursday, February 11, 1965, 12:30 P.M., ACLU office.

AGENDA

1. Newspaper rejection of advertising. (Herb Channick proposal and Spencer Coxe letter enclosed.)

2. Foreign Agents Registration Act.

3. Biennial Conference Recommendation on wartime measures affecting civil liberties.

4. Broadcasting and televising of legislative hearings. (Minutes of the Due Process Committee meeting of January 13, 1965 enclosed. Additional memorandum to follow.)

The working papers relating to Items 1,2, and 3 have previously been circulated. If any of you want replacement copies, please call my secretary, Mrs. Greene, who will send them to you.

Please return the enclosed postcard to indicate whether you will attend the meeting.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

To: Board of Directors

From: The Office

Re: Excerpts from January 20, 1965 Radio-TV Committee Minutes -- Items 2a and b of February 1 Board Agenda

3. ACLU policy on participation by broadcasting personnel in political activity:

The Committee had before it replies from the networks regarding their policy on this issue. Mrs. Pilpel stated three possible ACLU positions:
1) Free-time activity has no relevance to a broadcasting employee's job. The only relevant criterion is performance on the job; therefore, free-time activity would be relevant only if the employee allowed it to color his performance on the job. This position is analagous to the one taken by the ACLU in regard to teachers, lawyers, and entertainers.
2) A broadcasting employee who is identified with a cause has the right to retain his position and not be fired; but as long as he is identified with a controversial issue, he should not be permitted to function in any part of his job related to that issue. This is the position described by Richard Salant, CBS, in his reply.
3) A broadcasting employee should not remain in employ if he is prominently identified with a controversial issue because the viewer would feel that objectivity was impaired; the public interest requires this.

The broadcasting employees referred to are news reporters and news analysts, not news commentators.

Mrs. Pilpel indicated that the discussion of this issue was not solely for the purpose of deciding a position on the Lisa Howard case; the Committee has aroused the interest of the networks, as shown by their careful replies, and a position would be helpful.

Mr. Dean contended that a broadcasting station is unique in providing an audience for its employees and for that reason has the right to restrict the employee in his political activity.

Dr. Evans contended that political affiliation disables a person in the performance of his function because of his identification with the political activity; the public will not accept him as neutral or objective. As example, he gave a hypothetical case of hiring Barry Goldwater as a newscaster.

A motion was passed to reformulate the Committee's position according to the policy of CBS (item 2) above). The issue presents a conflict between the employee's right to participate in a political party or cause and the obligation of the employer to broadcast in the public interest by being seen as objective by the public.

The Committee further agreed that due process required that any restriction, including those the Committee thought proper, be clearly set forth in the contract at the time of original hiring.

****

Additional background on the Radio-TV Committee's discussion is contained in the following minute of its December 16 meeting.

The discussion included the following points of view:

An employee should be judged on his performance and should not be fired unless he demonstrates a bias in performance.

A news reporter is being provided with the opportunity to establish a reputation by his employer; therefore, the employer can assume the right to restrict the reporter's private associations.

There is a distinction between reporters and commentators -- reporters are reading news which has been written for them. However, we cannot assume the public knows the reporter is presenting news prepared by others; the public may regard it as personal opinion.

An employee publicly and prominently identified with a political or controversial group could be damaging to a station, even though he performed his duties objectively, by causing a loss of the public's interest, or through automatic association of the individual's position with that of the station.

Dissemination of information is in the public interest; if, in the public's view, the reporter is biased, and his presentation is as a result considered biased, information is distorted by implication; i.e., creditability is doubted.

---

7. Progress report of Pay-TV Subcommittee:

Dr. Evans reported on the Subcommittee's meeting. (Its minutes have been circulated previously.) The Committee approved the Subcommittee's recommended position on Proposition 15: that the California referendum prohibiting pay-TV is "in principle, a violation of the First Amendment and has the effect of restraining an open market place of information, and urging that the California affiliates attempt to enjoin enforcement of Proposition 15 passed in this referendum." Furthermore, the Committee urged that the national office associate with the Southern California affiliate in its attack on Proposition 15.*

The Subcommittee recommended that the ACLU revise its 1955 policy position on pay-TV by striking out the conditional clauses. It views pay-TV as an asset to the ACLU philosophy of diversity, on the ground that pay-TV would lead to greater opportunity for diversity of programming.

* Dr. Evans urged, and the Committee agreed, that the Fifth Amendment grounds for the attack should be more precise than the language of the Open Forum (that is, reference to "profit", etc., should be deleted).

Mrs. Pilpel suggested that it had been argued in arriving at the original position that pay-TV would not necessarily increase diversity, but would merely add to profit. Mr. Carskadon thought the condition of requiring the operation of two free channels in a community before allowing pay-TV should be retained. There was considerable discussion concerning the recommendation that approval of pay-TV should be unconditional; in replies to questions, members of the Subcommittee asserted that if pay-TV should have a deleterious effect, the Committee should meet that problem when it arose.

The Committee approved the Subcommittee's report for submission to the Board -- eight members in favor, two opposed.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

February 2, 1965

To: Due Process Committee

From: Melvin L. Wulf

Re: Clemency as a Civil Liberties Issue (Item No. 3 on agenda for February 10th meeting.)

Without any exceptions which I know of at least over the past fifteen years, the national ACLU has declined to initiate or support applications for clemency (pardon, parole, etc.) in any case. The last time we refused to support such an application was in 1962 when there was a successful campaign to have Junius Scales released from jail where he was serving a six year sentence under the membership provision of the Smith Act. He is the only person who was ever imprisoned under that provision.

At that time it was my view that we should support the application because the conviction was based on a statute we believed to be unconstitutional.

It was Ed Ennis' view that:

> "In further reply to yours of April 18th to Osmond and me I believe you were advised that Osmond and I felt that the Union should not make a plea to the President for executive clemency for Junius Scales in view of the impressive petition by numerous very prominent persons which has been made. A separate petition by the Union would add nothing.
>
> "For myself, however, I do not wish to support a general policy of the Union not participating in clemency appeals. The Union's function is to protest denial of civil rights and to protect individuals in the assertion of their civil rights and liberties. In doing so

we state our position to the courts, to legislatures, to executive and administrative departments of the Government and to the public in letters to editors, press releases, etc. The various Constitutions give the President and Governors the power to exercise executive clemency in cases where the result of applying the letter of the law appears too strict. As a matter of policy I do not think we should eliminate the appeal for executive clemency from the means we use in our special field. I think each case should be examined on the merits and in the Scales case we should make no appeal for executive clemency because of the satisfactory appeal already made which I believe will have more effect on the President than any appeal we could make."

Rowland Watts' view was that:

"I agree in principle with Ennis, particularly if we incorporate Mel's 'particular application' as a general (but not absolute) limitation. And we should always act on principle. But if we are going to adopt a new policy position on this it should be prefaced by a clear statement that we are predominantly concerned with constitutional issues and cannot support a clemency appeal merely because we all individually believe that an injustice has been done. Otherwise, we will be flooded with appeals -- mostly in 'political' cases, and we will be hard put to find a plausible excuse for not supporting a case even though none of us believes it is worthy of our support. The statement should say we rarely will support a clemency appeal and then only when we believe that such appeal will materially contribute to an understanding of the issue, not the person. I would, however, take a more liberal approach to all capital cases."

Alan Reitman's view was that:

> "Rowland's comment underscores what has been our position over the past 12 years, concentration on constitutional rights -- the civil liberties principle -- rather than the injustice in a particular case. This policy has enabled us to educate people as to what civil liberties are -- and are not --, and to the degree that we have done this, to strengthen civil liberties itself. In a field as complex as civil liberties, our effort should be to make as clear as we can what civil liberties are. Clemency and pardon, as we have discussed, involve other factors and our endorsing such appeals will tend to blur the civil liberties issue. Rowland's caution about the practical problem of opening the flood gates also raises a special organizational problem. In short, I think we should not take on clemency-pardon appeals, but should fight as hard as we can to oppose laws that violate civil liberties before they are passed, in court test cases if passed, and to press for their repeal."

Though there is no particular case before us now, we bring this issue to the Committee as one piece of unresolved ACLU business which will predictably arise in the future. For example, there has been a federal obscenity conviction in the mid-west in which the defendants were sentenced to 25 years. Ralph Ginzburg, publisher of Eros, has been sentenced to 5 years in a federal obscenity prosecution in Philadelphia. His conviction was affirmed by the 3rd Circuit and a petition for certiorari is pending. There are three prosecutions pending for contempt of the House Un-American Activities Committee. If there are convictions which are affirmed on appeal, we can predictably expect campaigns for clemency.

This is a pure ACLU policy question on which we would like your guidance.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

February 2, 1965

To: Due Process Committee

From: The office

Re: Arrest Records (Item No. 1 on agenda for February 10th meeting.)

The working papers which you previously received included a general survey of the arrest records problem by Norman Dorsen, and a memorandum by Nanette Dembitz to the NYCLU Board reporting the conclusions of the NYCLU Committee on Effect of Arrest Records.

In order to focus the Committee's discussion, we think the following questions (drawn largely from Miss Dembitz' memorandum) raise the basic issues. The questions assume what the Dorsen and Dembitz memoranda make explicit -- that a person's involvement in the criminal process, even if charges are dropped if he is acquitted, prejudices his opportunities for public and private employment, public licensing, and education.

1. Is it tenable to propose that, given the presumption of innocence as the basis of our system of criminal justice, all arrests and all prosecutions which do not result in conviction (and affirmance on appeal, if any) should be nullified for all purposes?

2. Is it reasonable to permit records of arrest and prosecution which do not result in conviction to be retained in police files to facilitate subsequent investigations?

3. Is it reasonable to permit the same records to be retained in the court's files to assist in determining length of sentence in future convictions, if any?

4. With respect to employment applications, are there particular types of employment to which arrests and prosecutions not resulting in conviction are relevant? E.g., are three acquittals or unprosecuted arrests for embezzlement relevant to bank employment? Are three acquittals or unprosecuted arrests for child molestation

relevant to employment as an apartment-house superintendent? As a playground supervisor? As a teacher?

5. Are there relevant distinctions between dismissal or acquittal on the merits compared to dismissal or acquittal for procedural reasons? Compare acquittal in a narcotics prosecution because of misidentification to dismissal because of illegal seizure of plainly relevant evidence.

6. Is there a useful distinction to be drawn, as to questions 1 through 5, between misdemeanor and felony charges?

[7. Norman Dorsen's memorandum (p. 1) raises the question of possible treatment of convictions based on acts of conscience. We suggest this be taken up separately.]

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

February 4, 1965

To: The Board

From: The Office

Re: Public Aid to Church-Related Institutions of Higher Education

In 1961, the national Board adopted criteria for defining those institutions of higher learning which it believed might constitutionally receive public aid. Its rationale is contained in the following two paragraphs from testimony given by Pat Malin:

> As compared with church-controlled elementary and secondary schools, church-related colleges and universities may in some instances be sufficiently different in degree to be different in kind. Institutions of higher education may be distinguished from the typical church-controlled lower school if a) students and faculty members are not required to be adherents of the religious group with which the institution is linked; b) indoctrination in the tenets of a particular faith is not a required part of the curriculum; and c) determination of the instructional program is committed to the hands of those charged with educational rather than religious responsibilities. An institution that unconditionally meets those minimal standards may properly be characterized as educational, whether or not it was founded by or is now governed or financed (in whole or in part) by a religious group.
>
> It is the Union's view that Federal aid to institutions of higher education which truly meet the above criteria, even though conducted by religious groups, would not be contrary to the separation mandate of the First Amendment, whereas Federal aid to institutions which place the inculcation of religious doctrine over and above the demands and standards of higher education should clearly be denied such aid on constitutional grounds.

Following discussion at the 1962 Biennial Conference, the Board, on September 10, 1962, directed reconsideration; since that time we have not stated the 1961 decision to be the Union's position.

In 1962-63 the Church-State Committee attempted to recommend a reformulation. At its June 1963 meeting a majority of the Committee members present adopted a proposed statement, designated "majority position" in the enclosed papers. A mail ballot was then taken of the entire Committee, through circulation of all the alternatives which had been proposed. The "majority" position and alternatives are enclosed.

In the mail ballot, the "majority" position was defeated 8-6, and no alternate proposal carried. However, the "majority" position would have received a tie vote if it had been amended by a) the Greenawalt motion, or b) the Bierstedt motion, or c) both.

Affiliate Opinion

ACLU of Northern California - The Board "endorsed the position of Greenawalt, with the understanding, however, that programs 1 to 4 (not 5) listed [in II. B. of the majority position] are not the type of use of public funds prohibited by the First Amendment."

ACLU of Southern California - The chairman of the affiliate's Church and State Committee has resubmitted the 1962 statement adopted by the affiliate Board in opposition to the national Board's 1961 position. Supplementing that statement, he says: "When a school (of whatever level) declares itself to have a religious purpose, such a statement should be taken at face value. A statement of religious purpose made by an institution is self-disqualifying for public support. This avoids the absurdity of an institution's receiving a tax exemption because it is a religious institution and getting public tax support because it is not sufficiently religious to be disqualified. (Though a contention might be made that the exemption was made because of its being an educational institution, nevertheless a statement of religious purpose makes it a religious one.)

The ACLU "amicus" brief filed for the appellant in the Torcaso case states in I.A. that the "framers of the Constitution and Bill of Rights were wise ... in not attempting to define religion." The 1962 So. Calif. statement would agree. But the criteria proposed from time to time by the National ACLU attempt to define what is not sufficiently religious to disqualify a given religious school for public support. By suggesting such criteria for the Government to adopt, the ACLU seems to be suggesting that Congress can make some laws respecting an establishment of (in the sense of support of) institutions which are religious in part.

In the Engel case the ACLU brief stated in I. (a): "The Establishment Clause... prohibits any such acts respecting an establishment of religion, and not merely an establishment of a church or sect. 'Religion' within the meaning of the Establishment Clause may be nothing more nor less than a single belief, such as the belief in the existence of God." (emphasis added)

Any institution, even though not operated by an organized religious organization, which has some such belief is, according to this brief, a religious institution; public support would thus constitute an establishment.

STATEMENT OF THE AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA ON SEPARATION OF CHURCH AND STATE AS A LIMITATION ON FEDERAL AID TO EDUCATION

The principle of separation of church and state is one of the fundamental guide-lines in our American system. The authors of the Bill of Rights gave it priority. The first clause of the First Amendment reads:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

Over the years this prohibition, along with other elements of the Bill of Rights, has acquired added force. By the due process clause of the Fourteenth Amendment, to cite one instance, it has been made applicable to the states as well as to Congress.

The Supreme Court on some points has been most explicit:

"The 'establishment of religion' clause of the First Amendment means at least this: neither a state nor the Federal Government can set up a church.

Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious organization or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between church and State.'"

Everson v. Board of Education, 330 U.S.1 (1947)

"We are all agreed that the First and Fourteenth Amendments have a secular reach far more penetrating in the conduct of government than merely to forbid an 'established church'.... We renew our conviction that 'we have staked the very existence of our country on the faith that complete separation between state and religion is best for the state and best for religion.'"

People ex rel. McCollum v. Board of Education 333 U.S. 201 (1948)

"...the First Congress proposed and the states very shortly thereafter adopted our Bill of Rights, including the First Amendment...What was said in our prior cases we think controls our decision here....We repeat and again reaffirm that neither a State nor the Federal Government... can constitutionally pass laws nor impose requirements which aid all religions as against non-believers, and neither, can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs."

Torcaso v. Watkins, 367 U.S. 488 (1961)

As a civil liberties organization the American Civil Liberties Union does not pass upon the propriety of federal aid to public elementary and secondary education or to public institutions of higher education.

On the matter of federal aid to church-related and religion-oriented schools, because of the constitutional question involved, it must take a stand.

As concerns federal aid, the crucial distinction is between the secular institutions and the church-related or religion-oriented institutions.

Proposals have been made for federal grants or advantageous loans to elementary and secondary church-related or religion-oriented schools, to church-related and religion-oriented institutions of higher learning, for buildings and equipment, and for stipends to accompany federally granted tuition scholarships. On these and comparable proposals we are concerned because of possible trespass of the principle of separation of church and state as embodied in the First Amendment.

It can be clearly asserted, we believe, that an advantageous loan may differ in degree but is not different in kind from a grant, each being, in effect, a form of aid. If there exists a constitutional barrier against a grant, it must operate also against an advantageous loan.

Although not universally conceded, there appears to be general recognition that the Constitution precludes federal support of elementary and secondary church-related

schools. By definition, such schools have a sectarian purpose, and they, to some extent, are arms and agencies of particular churches. As such, in the face of the First Amendment, they are ineligible for federal support.

A contention is offered that church-related colleges are different because attendance at institutions of higher education is optional.

The Fifth Amendment draws no distinction between religion for children, religion for those of college age, and religion for adults; its ban against federal support of religion applies to all indiscriminately. Furthermore, if a school, whether collegiate or lower, functions as an agency of sectarian religion, support of its educational program is not separable from support of its religion, and federal appropriations to it will be violative of the First Amendment.

The American Civil Liberties Union of Southern California, therefore, opposes any federal support of such schools, calls on the Congress and President not to enact any financial contribution to them, and counts on the courts to uphold the constitutional provision on separation of church and state.

Iowa CLU - "It was decided [at a Board meeting] that we have nothing specific to add to the ideas of the national office but will endorse the position of the national office as generally set forth in the various pamphlets."

Kentucky CLU - "The KCLU Board endorses the June 1, 1963 statement of the ACLU Church-State Committee except for #5 [on page 1] re presence of pictures or religious symbols in the classroom."

Maryland Branch - The views of the affiliate Board were transmitted by the Church and State Committee chairman.

"We feel that the statement needs to be re-drafted to guard more closely against the use of tax funds for religious purposes in programs administered under the auspices of church-related institutions.

"For example, we feel that it is important to know whether the great majority of faculty members of an institution are, in fact, members of a religious order. Whether or not membership is required is not as important as whether or not, in practice, membership seems to be a condition of employment.

"We feel that it is meaningless to prohibit religious symbols in the classrooms if symbols appear in lobbies and hallways. We feel that the "flavor" of an institution should be considered. For example, is Catholic Book Week observed? Do classes begin and end with prayers? Without going more into detail, we feel that there are many subtle influences that should be taken into consideration in the re-drafting of the statement.

"Under the section B1, we would like to see specified that such grants could not be used to release school funds for sectarian purposes. We would like to defer comment on B2, but agree readily on B3 and B4.

"It is our feeling that no public position should be taken on the subject covered in B5 until comprehensive statement is agreed upon which will cover the whole issue of tax exemption for religious institutions.

"Please consider this a confidential statement to the Board. Because of an impending court case in this area, some of our members felt that this precautionary statement should be included in this letter."

CLU of Massachusetts - The positions adopted by the affiliate's Executive Committee are:

1. To oppose grants and loans to church-related primary and secondary schools.

2. Not to oppose loans for dormitories and educational facilities if the college purpose is educational, not religious.

3. Not to oppose college scholarships assigned on a competitive basis as long as there is an objective merit test and that scholarships be given only to those going to colleges whose purpose is educational and not religious.

4. That institutional stipends be given only to colleges whose purpose is educational, not religious.

Greater Kansas City CLU - The Church-State committee of the American Civil Liberties Union [Kansas City] at the November 28, 1962 meeting had before it the following statement drafted by a Joint Church-State --- Academic Freedom subcommittee.

A. The governing body of any institution of higher education seeking public financial assistance should file a declaration that it subscribes to the two following conditions:

1. Neither faculty members nor students are required to be adherents of any religious faith.

2. No student is required to attend religious services or classes in religion or register for courses in religion or participate in religious programs of any kind or pass any type of religious test; nor is any student subject to disciplinary measures based on religious criteria.

At the November 28 meeting changes were made so that at the conclusion of the meeting the following had been tentatively approved although further amendments (not reported) were still pending.

B. The governing body of any institution of higher education seeking public financial assistance should file a declaration that it subscribes to the following conditions:

1. Neither faculty members nor students are required to be adherents of any religious faith.

2. No student is required to attend religious services or participate in religious programs of any kind or pass any type of religious test; nor is any student subject to disciplinary measures based on religious criteria.

3. The institution is not under the direction, control, or support of any church, denomination, sect, or religious body, society, or authority; and

4. It is not designed principally to provide or promote religion in the form of instruction in creeds, doctrines, or tenets, or in the form of worship and devotional exercises, or in the form of sectarian purposes.

We oppose the modification of point A.2 which was made at the November 28 meeting because we believe that no student should be compelled to attend classes

in religion or register for classes in religion. We have noted that your subcomittee justified the revision on the following grounds (a) It is an unreasonble invasion of a faculty's freedom to choose its curriculum if federal aid is denied to schools having required courses in religion, (b) It is conceivable to have courses in religion as a general education requirement, and (c) Courses in religion may be non-sectarian such as comparative religion or philosophy of religion.

In response to these our Kansas City Church-State committee points out that (a) If it is an invasion of a faculty freedom to choose curriculum by the same token it is an invasion of a student's religious liberty to require him to take courses in religion prescribed by and taught by persons of a faith other than his own. If it can be validly argued that withholding of aid to schools that require classes in religion is an invasion of faculty freedom then the whole concept of not aiding religion via the public treasury is called into question, (b) There is no reason why faculty cannot offer a curriculum in which there are elective or voluntary courses in religion. Such courses could be used by a student to meet general education requirements so long as he could just as easily meet such requirements by courses not in the field of religion, (c) The issue is not whether courses in religion can be taught in a non-sectarian way but whether they are compulsory. Any religion course that can be taught in a non-sectarian way can be taught in a sectarian way and in all but the exceptional school is likely to reflect the bias of the teacher. Philosophy of Religion taught by an atheist would be quite different from the same course taught by a Roman Catholic. Similarly a course taught by an Episcopalian might be quite different from that taught by a Unitarian.

In addition, we list these reasons:

1. Any school which is not technically under church control may nevertheless be controlled by a board of trustees whose members may reflect the position of a church or may be motivated by a desire to have a non-sectarian "American" religion taught. In so far as such a school requires courses in religion, religion has become central to its purpose and to that degree it is an establishment of religion.

2. The exercise of religion is a voluntary matter whether such exercise is religious worship or religious education. There is no point in requiring a course that students want voluntarily to take. Insofar as students are compelled to take courses in religion in order to get an education they have been deprived of religious freedom.

3. So long as the State is not prohibited from aiding non-sectarian schools that have elective courses in religion it cannot be said that the State is hostile to religion. But State aid to schools that require religion presumably puts government in the position of sharing in the compelling of students to take courses in religion.

We recommend that you delete the points B. 3 and 4. We recommend these deletions for these reasons. (a) Objectively any school which meets the conditions listed in A. 1, 2, 3, can not be said to be religious, (b) Some schools such as Northwestern University have a charter provision that there must be on the board of trustees certain specified members of a certain church. Such a traditional and nominal relationship would disqualify a number of colleges and universities that in fact are not religious and are not under religious direction or control. (c) Item B. 4 is unnecessary. It is also unwise because the word "principally" seems to imply that if it does promote religion but is not principally designed to do so there would be no objection.

The Kansas City affiliate recommends that the Church-State Committee of the National American Civil Liberties Union retain A.1 and 2. In addition we propose the following:

3. Any classes or courses concerned with religion provide information about religion as opposed to religious indoctrination. All other courses are free from influence of dogma or creed of any religion.

St. Louis Civil Liberties Committee - The affiliate's Executive Board moved, and it was passed with one dissent, to "advise National that church-related institutions of higher learning should be given the same consideration as other institutions of higher learning in receiving grants or aid except that the grants should not be used for religious education."

Upstate New York Division - "These opinions represent 3/4 of the UNYD Board.... There is general agreement with the majority position of the Church-State Committee from its June 1, 1963 meeting.

1) One in agreement adds 'with full awareness that future federal aid to higher education bills may have to be scrutinized in civil libertarian terms.' If certain institutions which ACLU classifies as 'religious' are already receiving some federal or state loans for dormitory construction this would not be the time for ACLU to upset the apple cart.
2) One feels this aid is not unconstitutional under ACLU established criteria of who may teach, attend, etc., and that no other restrictions should be put upon such aid.
3) The Central N.Y. Chapter would add to the criteria [of the 'majority' position] as follows:
   a) The word 'religious' before belief, in criterion no. 1.
   b) Incorporate into criterion no. 1 that the test for selection of faculty is properly their academic competence alone.
   c) Add to the list of criteria, censorship or the use of an index of proscribed books."

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York, New York 10010

February 5, 1965

To: Due Process Committee

From: The office

Re: Cancellation of February 10th meeting and additional agenda item

Because Mel Wulf will be out of town during the forthcoming Committee meeting and because the Chairman of the Committee will be in Europe at the same time, we are cancelling the February 10th meeting. The next meeting of the Committee will take place exactly one month later, March 10, 1965 in the ACLU offices at 4:45 p.m.

We inadvertently left out of the agenda previously circulated an item which we agreed at the last meeting to bring to a vote at the first opportunity: ACLU policy on radio and TV broadcasting of legislative committee hearings. Enclosed is a draft recommendation prepared by Sy Bucholz from previous Committee discussions of the subject. Before the next meeting, members of the Committee should review the text of the recommendation and should be prepared to propose specific changes in language or content if necessary. At the March 10 meeting, this matter will be voted on.

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York, New York 10010

SW-file

February 5, 1965

To: Free Speech/Association Committee

From: The office

Re: Radio and TV broadcasting of legislative hearings

The enclosed draft recommendation, prepared by the office from recent Due Process Committee discussions, is submitted for consideration and action to the members of the Free Speech/Association Committee. The Due Process Committee will not have voted on this draft by the time the FS/A Committee meets on February 11, 1965. Nevertheless, the office hopes that the members of the FS/A Committee will come to the February 11 meeting prepared to vote on the recommendation as is or to make specific changes in language or content.

When the Due Process Committee has had an opportunity to vote on the draft, the actions of both Committees will be reported to the Board.

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York, New York 10010

February 5, 1965

WORKING PAPER, NOT FOR PUBLIC DISTRIBUTION

To: Due Process and Free Speech/Association Committees

From: The office

Re: Draft Recommendation of the Due Process Committee on Radio and TV Broadcasting of Legislative Hearings

The Due Process Committee recommends to the Board of Directors that the ACLU support an absolute ban on radio and TV broadcasting of legislative hearings.

The last consideration of the question of radio or TV broadcasting of legislative hearings took place in 1953 and 1954 when the Union, after extended debate, adopted a position urging that radio and TV broadcasting of legislative committee hearings should be prohibited until rules of procedure designed to protect subpoenaed witnesses and persons defamed in the course of testimony were adopted.

The Committee has reviewed the Union's position on this matter in connection with the recent proposal by Senator Hart to create a Civil Liberties Commission similar to the existing Civil Rights Commission. In connection with the proposal, the Committee took the position that a Civil Liberties Commission should not permit broadcasting of its hearings, but the Board tabled the recommendation pending further review by the Committee. After further consideration, the Committee now believes that the ACLU should insist on total exclusion of radio and TV from legislative hearings.

1. The Committee feels that radio and TV broadcasting of legislative hearings results in the creation of a "circus" atmosphere. Legislators and attorneys, who should function as fact

gatherers and advocates, are converted by radio and TV coverage into showmen. Witnesses who might be able to present testimony in a dignified hearing atmosphere, are intimidated by the supercharged surroundings and by the knowledge that millions of people are watching them perform.

2. Given the past history of the broadcasting of legislative hearings, particularly the Kefauver gambling investigations of the early fifties, the Army-McCarthy hearings, and other televised hearings before legislative bodies investigating charges of disloyalty, the Committee feels that such hearings give members of the public the impression that the witness they are observing is on trial or accused of wrong-doing in some way. The very fact of being subpoenaed to appear before a legislative investigating committee whose hearings are being broadcast now raises some inference in the public mind that the witness is "charged" with misconduct. This identification by the public of a televised hearing with a kind of trial may be based partially on the kinds of investigations undertaken by legislative committees, and only to a limited extent on the failure of the broadcasting media to make clear the difference between a legislative hearing and a trial. Nevertheless, this identification exists and must be reckoned with. It will not be dissipated by continuing to permit hearings to be broadcast, since the broadcasting itself contributes to the distortion of the atmosphere and purpose of such hearings.

3. The Committee rejects any notion that it is the function of legislative investigations to expose misconduct or alert the public to a supposed danger to society. The only legitimate function of a legislative investigation is to inform Congress of the operation of existing legislation and of the potential need for new legislation.

4. When a witness is subpoenaed to appear before an investi-

gating committee, his right to be let alone by government is infringed. Of course, that right may be invaded for a legitimate governmental purpose, such as informing Congress of the need for legislation. It cannot be abridged in this context for reasons not relevant to the purpose of the governmental inquiry, such as exposing the individual's misconduct. This can and should be accomplished by the traditional methods of the criminal law. Radio and TV broadcasting of legislative hearings is not a necessary part of the information-gathering purpose which those hearings serve and, since it is not related to the purpose of such hearings, broadcasting may not justify an invasion of privacy. Even less may the right to privacy be abridged, through radio and TV transmission of a witness' voice and image, in the name of entertainment, for the existence of a right to privacy presupposes that the public's desire for entertainment is subordinate to the individual's need to remain anonymous and to keep the details of his private life to himself.

4. It may be argued that radio and TV coverage of legislative hearings informs the public, as does newspaper coverage, and that, since newspaper reporters are permitted to attend hearings, there is no basis for excluding the broadcasting media. The Committee's answer is that the broadcasting of legislative hearings does not inform the public of governmental operations. Rather, such broadcasting typically focuses on an individual accused of wrong-doing instead of on those who testify in order to impart information about government operations. Particularly when television films and radio tapes are edited, much of the pertinent informational parts of such hearings are omitted, and the "charges" against a particular individual are highlighted. Previous radio and TV coverage of such hearings were intended, and received, primarily as entertainment. Also the Committee feels that the presence of newspaper reporters at public hearings does not create a "circus"

atmosphere and does not tend to distort testimony and behavior as much as radio and TV coverage. Last, the impact of newspaper reporting of a legislative hearing on the private life of an individual summoned to testify, or on the reputation of one named in testimony, is not as great and direct as when such testimony is beamed by radio and TV directly into the homes of millions of Americans.

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York, New York 10010

February 8, 1965

WORKING PAPER, NOT FOR PUBLIC DISTRIBUTION

To: Free Speech/Association Committee

From: The office

Re: Biennial Conference Recommendation on Wartime Measures Affecting Civil Liberties

The following statement has just been submitted to the national office by the Civil Liberties Union of Massachusetts. We hope committee members will read it in time to discuss it as part of the general consideration of civil liberties and national security at this Thursday's meeting.

POSITION PAPER ON CONSCRIPTION

Civil Liberites Union of Massachusetts

Historically, the American Civil Liberties Union has taken the position that government conscription of individual lives is a complete denial of what ought to be a basic civil liberty. Conscription for war or preparation for war raises special problems because it constrains some men to do that to which they are opposed by religious or philosophic conviction. Despite this, the Union has at times felt compelled to recognize the imperative claims imposed by the necessity to maintain national security. Hence, in 1940 the Union did not oppose the draft law, but in 1945 it felt that the case for compulsory military training was by no means strong enough to override the grave objections to conscription in the name of liberty.

Most would agree that the nature of modern war and the pace of the arms race present continuing and urgent problems in reconciling individual rights and liberties and the democratic process with the claims of the common defense. Particularly pertinent are the problems of civilian authority over the military and the restriction of dissent in relation to matters of "clear and present danger."

The Union acknowledges that some restrictions on freedom are required even in a democratic society, when there is general consensus that the limitation is not only in the public interest and constitutional, but also that the danger is real, the proposed measures effective and necessary, and the execution equitable and non-discriminatory. Still, in our society, the burden of proof must be overcome by those who propose restrictions, whether on an assertion of military necessity or other grounds. The military case for continuing the draft must be fully persuasive and open to full and free debate by citizens and the Congress. No cloak of secrecy or "security" should be permitted to justify retaining or imposing so weighty a limitation on individual liberty as conscription.

Finally, the continuing vigilance of the Union should be exercised to see that under whatever provisions for military service and recruitment there is generous protection of the rights of conscience. We reaffirm that the sincerity of conscientious objection should not be judged by the test of a religious formula so narrow as to exclude ethical or humanistic beliefs.

January 8, 1965

IMPORTANT

A.C.L.U. of Georgia Board Meeting

file

8:00 P.M.

February 8th, 1965

at the home of John Glustrom, 1860 Wellbourne Avenue, N.E.

AGENDA

Discussion of recommendations of A.C.L.U. of Georgia to National on Libel Policy Statement now being prepared by National A.C.L.U.

YOUR PRESENCE AND OPINIONS ARE NEEDED

If you cannot attend, please call Ed Ladd, 377-7775, or write him at 1236 Springdale Road, N.E.

S W/ file

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York, New York 10010

MINUTES
Free Speech/Association Committee Meeting
Thursday, February 11, 1965, 12:30 p.m.
ACLU Office

Present: Mr. Soll, presiding; Messrs. Channick, Crowell, Evans, Galantiere, Lowenstein
Staff: Messrs. Pemberton, Reitman, Bucholz

Approval of Minutes: Mr. Bucholz asked that the minutes of the previous meeting be corrected to show that Mr. Millis was present.

*Committee Meetings: Mr. Soll announced that a special dinner meeting of the Free Speech Committee would be held on Wednesday evening, March 24, 1965 at 6:15 p.m. at the Union's offices to consider more fully the difficult questions posed by the clash of the right to free speech and the right of privacy.

*The Committee decided that the regularly scheduled luncheon meeting on Friday, March 12, 1965 should be held, because of the pressure of Committee business.

1. Newspaper Rejection of Advertising: Mr. Channick summarized briefly and moved the adoption of his draft recommendation of January 26, 1965 (previously circulated) on newspaper rejection of advertising and stated that he thought it would be quite impossible for ACLU to adopt a stronger position than one of merely encouraging and urging media executives to meet their responsibilities to present all viewpoints to the public.

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*Committee members who were not present, please take note.

In discussing the Channick recommendation, these changes were adopted by the Committee:

(a) The statement should differentiate between publications of general circulation, such as the New York Times, and publications meant to appeal to specialized audiences or to private groups. Mr. Lowenstein and Mr. Evans thought it would be unfortunate if we took the position that a magazine such as Commonweal or a newspaper published by a Catholic archdiocese were forced or even urged to carry advertisements for atheist groups or the Planned Parenthood Association. The Committee felt that some language should be incorporated in the Channick statement recognizing the difference between media of general circulation and such special interest publications, and making clear the distinction was not based on the size of the circulation but on its type. The wording of the suggested change was left to Mr. Channick and the staff.

(b) It is important to make absolutely clear that the ACLU was not attempting to create a legal principle requiring media to accept unpalatable advertising. Mr. Channick thought that changing "their" to "an" in line 6 of the second paragraph of his statement would achieve this. This change, and the insertion of the phrase "at least in part" after "is found" in the next-to-last sentence of the first paragraph, were approved.

(c) With respect to whether advertisements for books, motion pictures, magazines and other media and art forms should be included within the definition of non-commercial advertising, the Committee voted three to one to include this statement:

"Advertisements for informational and cultural works such as books, newspapers, magazines, and motion pictures, should be treated substantially as non-commercial advertising, since these items, even though they are advertised for sale, may themselves be the means of exposing controversial viewpoints to the public."

Mr. Galantiere remarked that he did not think the problem with respect to books was serious since he recalled seeing advertisements in the same newspaper for books with diametrically opposed viewpoints.

The Committee then approved by a 4-1 vote the Channick statement as amended. Mr. Crowell, opposed the motion, stating the entire matter should be left to the responsibility of the publishers.

As long as publishers are to function as more than mere printers, they should not be subjected to rules and edicts, even though these may not carry legally binding force. The promulgation of rules about what publishers should or should not accept tends to encourage laziness and discourage creative judgment on the part of publishers. He suggested that if ACLU take any action at all, it do so only by urging and educating in specific and flagrant instances of rejection of advertising, without the adoption of an overall policy statement.

Mr. Galantiere suggested that the office implement the Committee's recommendtion -- provided the Board approves it -- by writing a letter to the American Newspaper Publishers Association urging that this question be placed on the agenda for its next annual meeting. Mr. Reitman thought we should also ask ACLU affiliates to compile a record of incidents in which the news media refused controversial advertisements or those not in keeping with editorial policy. Both suggestions were endorsed. Mr. Reitman inquired whether the Committee would apply the Channick recommendation not only to newspaper advertising but also to those situations in which newspapers refused to print critical or controversial letters in the letters-to-the-editor column. The Committee unanimously agreed that any expression of opinion in respect to newspaper advertising was a completely separate matter from letters to the editor, the selection of which involved editorial judgment and viewpoint in the same way as news and features. It was suggested that the Committee might take this up as a separate matter at a future time.

The amended text of the Committee recommendation is attached.

2. <u>Biennial Conference Recommendation on Wartime Measures Affecting Civil Liberties</u>: At the last Biennial Conference, Walter Millis presented a paper to the Workshop on Civil Liberties and the Cold War, which resulted in the adoption by the Conference of this resolution:

> "The ACLU should restate its opposition in times of peace or cold war to the continuation of measures, repressive of citizens' rights as guaranteed by the Constitution, which were enacted in times of genuine war emergencies."

The Board referred this resolution to the Committee for its consideration. After the Millis paper had been distributed, Mr. Millis prepared this proposed recommendation for the Board:

"The Sixth Biennial Conference recommended [the above resolution.] This no doubt grew out of the paper on cold war problems which I presented at the Conference and to the Workshop which considered it. Since my paper presented no clarion call to further action, but tended rather to emphasize the necessity for moving only slowly and tangentially in this field, the discussion was not well focussed; and the resultant recommendation has seemed to the Free Speech Committee little more than a kind of lame compromise calling for a restatement of the obvious. In view of the constitutional relationships within the ACLU it cannot, however, simply be ignored. My own view is that the Board should adopt it out of respect for the Conference, but that it cannot effect any significant policy change and need not be publicized."

After some discussion it was agreed that the sense of the recommendation was that ACLU should reaffirm and repeat its opposition, and that there remained only the question of the advisability of making a public statement at the present time without any clear issue or case to which such a statement would relate. The Committee recommended the adoption of the resolution without any public statement by the Board at the present time. It was understood that the recommendation of the Conference did not include the questions of peace-time conscription or matters of conscience relating to civil disobedience. These will be separately presented to the Committee.

3. Draft Recommendation of Due Process Committee on Broadcasting of Legislative Hearings: Mr. Bucholz reported that this recommendation stemmed from the Due Process Committee's discussion of radio and TV broadcasting of legislative investigations. In proposing a letter to be sent to Senator Hart supporting his idea for a U.S. Civil Liberties Commission, the Due Process Committee suggested to the Board that Senator Hart's legislation include a ban on all radio and TV broadcasting of commission hearings. The Board tabled that proposal pending further review of the entire problem of fair legislative investigatory procedures by the Due Process Committee. After further consideration and discussion by that Committee, the draft recommendation favoring an absolute ban on broadcasting of legislative investigations was prepared. (As of the date of this meeting, the Due Process Committee had not had an opportunity to vote on the text of the recommendation.)

Mr. Lowenstein expressed dissatisfaction with some of the philosophy underlying the statement, stating that it was possible to draw a distinction between those legislative hearings which are

of general informational value -- the great majority of congressional hearings on bills and appropriations -- and those hearings which are like trials and which focus on an individual accused of wrong-doing. He said that because there was misconduct in connection with the latter, it does not follow that broadcasting of the former should be absolutely barred.

Mr. Pemberton called the Committee's attention to ACLU's own precedent for making a distinction between different kinds of hearings. We previously proposed that executive sessions be required to test whether defamatory information about a particular individual is sufficiently dependable to be aired in public committee hearings. However, no one has suggested that such executive sessions be used for ordinary legislative hearings dealing with specific bills or appropriations.

Mr. Galantiere declared that we could not keep radio and TV from performing an information function even though we might regard it as entertainment. He stated that banning radio and TV absolutely was regression not progress in the opening of new channels of communication.

Mr. Reitman stated that realistically TV and radio, although they claim to be performing a general educational function in broadcasting congressional hearings, focus on the most sensational incidents in which charges of wrong-doing are raised -- charges which persons are at a great disadvantage to rebut -- and fail to cover the mundane but possibly more important matters such as the recent hearings on a liberalized bail statute for the federal courts.

Mr. Galantiere responded that congressional hearings do not only perform the function of informing Congress but also inform the public about what Congress is doing and how it operates, even though most people may not be concerned with the more routine hearings.

Mr. Soll strongly opposed the Due Process Committee's statement, arguing that its adoption would tend to put ACLU in the position of deciding what the rest of the population of the country can or cannot see. He also felt that with a few minor changes, the position advanced by the Committee applies equally well to newspaper and magazine reporting of legislative hearings and even to non-published statements made to individuals about such hearings. He noted that persons could lose their jobs from whispered reports about hearings as easily as they might lose them as a result of reports broadcast by TV.

Mr. Channick commented that the core of ACLU's objection to TV and radio coverage is not to the broadcasting itself but to the method of running certain committee investigations. He reminded members of the Committee that the Army-McCarthy hearings performed a tremendous educational function.

Mr. Soll added that the trial of human beings in a judicial framework based upon an indictment is a separate matter. Other "trials" in a figurative and literary sense may be a necessary result of living in a complex society and it may not be completely undesirable that society should witness these. In this connection Mr. Galantiere stated, "We have to take some risks in order to achieve the dignified status of living in a democratic society. We are not philosopher kings and we cannot remove all of the risks of democracy. You can remove many kinds of risks in an authoritarian state and you may achieve a kind of temporary dignity in removing publicity from investigations. But the highest purposes of a democratic society will not be served thereby."

Mr. Lowenstein moved that the Committee reject the Due Process Committee's draft recommendation, expressing the Committee's position in this statement:

> "While the members of the Free Speech Committee are very sympathetic to some of the arguments advanced by the Due Process Committee as to individual dignity and privacy and the need to minimize harm to persons summoned before an investigation committee, it is opposed to an absolute ban on radio and TV broadcasting of legislative hearings. Members of the Committee feel that ACLU must focus on the misconduct of those whose duty it is to run fair committee hearings and to provide adequate safeguards to individuals."

Mr. Lowenstein's motion was unanimously carried.

Next meeting: Friday, March 12, 1965 at 12:30 p.m., ACLU offices.

Special meeting on Right of Privacy: Wednesday evening, March 24, 1965 at 6:15 p.m. at ACLU offices. (Catered dinner.)

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

February 11, 1965

To: The Board

From: The Office

Re: Further Affiliate Opinion on Public Aid to Church-Related Institutions of Higher Learning

Position Statement of Colorado Membership on Public Aid to Church-Related Institutions of Higher Education

by William F. Reynard
Colorado Branch ACLU

The following remarks are addressed to the majority position of the Church-State Committee of the national organization at its meeting June 1, 1963. We are generally in accord with the preamble and statement of criteria included in I, and the statement of principle in II A of the majority position.

We do oppose sub-section 1, 3 and 4 of paragraph B under part II of the position statement. Sub-sections 3 and 4 provide for scholarships and loans to qualified students on the basis of academic ability, achievement and aptitude, and we will discuss these two sub-sections together since we believe they involve the same basic principles:

1. The ACLU has traditionally taken a position which is critical of the child-benefit theory. In the Everson case in 1946 (involving the question of public transportation of parochial school students), the Union took the position that, "The child-benefit theory is not only unsound and devious, but it is extremely dangerous because it provides a ready excuse for all sorts of violations of basic principle." In the McCollum case in 1947, the Union was sustained in its position that the furnishing of public school facilities for sectarian instruction was in violation of the First Amendment. It would be an almost impossible task to prove that a student who was attending a sectarian school, falling within the definitions in part I of the policy statement, was not actually receiving sectarian instruction through the use of public funds. The use of public funds for transportation of parochial school students has been ruled unconstitutional by the Attorney General of the State of Colorado under the State Constitution. It must be remembered that the Everson case was decided by a five-to-four decision in which Justice Douglas joined the majority, but that in the Regents' Prayer case, Douglas apparently repudiates his position in Everson by saying, "The Everson case seems in retrospect, to be out of line with the First Amendment."

2. Another facet of the child-benefit theory is the furnishing of textbooks for school children in private schools through public funds. Five states have chosen to provide such textbooks, and the United States Supreme Court upheld the practice in 1929. There have been at least three court challenges to the practice of purchasing textbooks, constitutionality being upheld in the state of Mississippi

(over)

and being rejected in the states of New Mexico and Oregon. It must be remembered that State Constitutions were likewise being interpreted in these cases, but nonetheless they do reflect the general attitude with respect to the furnishing of benefits through the individual student.

3. The grant of public funds through contracts for specific projects of research of non-religious import, is very analogous to the granting of scholarships to individual students, since in both instances it is argued that the benefit does not go to the institution, but goes to the student for his education or is received by the government. Whether it be "child-benefit" or "government-benefit" it can be strongly argued that the same principle is at work. Again it would be very difficult to show that a sectarian college under such a contract did not benefit, both directly and indirectly, in staff, equipment, and even possibly buildings, all at public expense.

American Civil Liberties Union

156 FIFTH AVENUE, NEW YORK 10, N. Y. • ORegon 5-5990

MINUTES OF THE STEERING COMMITTEE, NATIONAL DEVELOPMENT COUNCIL

FEBRUARY 12, 1965

Present: Leonard Schroeter, Chairman; Herbert Prashker, Vice Chairman; Robert Barnes, Secretary; Sophia Yarnall Jacobs; Robert Risk; Eason Monroe; Ernest Mazey. Visitors: Aryeh Neier, Ramona Kaplan, Steve Rubin, Lynn S. Castner, Ralph Brown, Fred Barbaro, Brandoch Lovely, David B. Mayer. Staff: John Pemberton, Gordon Haskell, Charles Morgan, Ted Mote, Mel Wulf.

Mr. Haskell stated that the January 1965 income report is not as yet completed, but that the membership and development program looks favorable. The comparison with January 1964 is not realistic as the renewal program started later this year. Mr. Haskell and Mr. Neier reviewed affiliate participation in the 1965 Expansion Drive.

Arizona: Mr. Haskell said they have a vigorous development program under way. Very successful banquets were held in both Phoenix and Tuscon.

Colorado: They ended 1964 with a good membership drive. Their fund-raising event, held when Chuck Morgan was in Colorado, was quite successful.

Georgia: In 1964, they did much better than anticipated.

Kansas: This is our newest affiliate. It has a vigorous board which is working on establishing a Topeka chapter. Greater Kansas City remains a separate affiliate.

There was general discussion of whether the Development Council should concentrate efforts on small new affiliates or on larger, older affiliates. The general feeling was that more growth was possible in the larger affiliates at this time. Mr. Haskell reviewed the importance of inter-affiliate contact to get inspiration and develop more meaningful programs.

Maryland: Mr. Neier stated that they have made substantial efforts in influencing legislation, community education and litigation. While still in its earliest stages, they are now making a good development effort.

Massachusetts: Mr. Haskell stated that they have done effective substantive work through other organizations and community leaders. They have launched a significant special gifts program. At present, they do not desire PMR.

National Capital Area: Haskell said there were some problems in that some D.C. suburban members live in Maryland and Virginia. Maryland and the Capital Area now split the income from the members in two Maryland counties. The Capital Area has a large and very imaginative litigation program. They now have an executive secretary, but not an executive director. They are thinking of adding a staff counsel.

New York: Mr. Neier reported that the national projection for the affiliate new membership is $9,000. He estimated that they will reach $20,000. Mr. Neier said that one of their problems is insufficient membership identification with the affiliate organization. They plan to apply for PMR in 1966.

Upstate New York: Neier reported that negotiations are under way to explore the possibility of a state-wide affiliate. Some areas of New York are now unaffiliated. The Upstate New York affiliate is doing a first-rate job on up-grading contributions and membership.

Oklahoma: Neier said that while their membership is small, they have great resources in the quality of the membership. He felt that they would do a very good substantive job.

Utah: Haskell reported that they have in the past six months shown promise of becoming a much more active affiliate. Rev. Gillilan is their new chairman and is inaugurating a good program.

Southern California: Mr. Monroe reported that the $175,000 projected shared and new membership income is a good estimate. However, they did hope to achieve $180,000 plus. He stated that for many months the Proposition #14 campaign took nearly all of the affiliate's efforts. The campaign did result in considerable new community involvement and support for the Southern California CLU.

Illinois: Neier reported that the $84,000 projected income is a conservative estimate. They now have an active board and are seeking a new executive director. They are one of the few affiliates capable of carrying on a quality substantive and massive development program even without a director.

Michigan: Mr. Mazey reported that the $58,000 projected income is a big increase. They believe it can be achieved. He noted that as a result of a vigorous campaign, Michigan has a very large ratio of dollars per member in comparison with other affiliates.

Pennsylvania: Mr. Barnes reported that the $60,000 projected income figure is their board's estimate. He believes that the goal is a conservative estimate. They have now added a half-time Development Director to promote membership.

Washington: Mr. Schroeter reported that in January they had 1,300 renewals. The projected estimate for the year is 1,500. He therefore is looking toward reaching 2,100 members. His hope is to at least go $3,000 to $4,000 over the projected goal. Washington now has a dramatic issue involving the police which is creating considerable community interest.

Indiana: Mr. Risk reported that the projected $16,000 income is a conservative estimate. His hope is they may be able to reach $20,000. Many renewals have doubled the amounts. They are holding membership meetings throughout the state and are beginning an active substantive program. They now have an executive secretary and, if their growth warrants it, they may consider an executive director later in the year.

Ohio: Neier reported that they assumed PMR on January 1, 1965. Most of their chapters are doing a good job. Their projected estimate of $37,000 will double their income over a two-year period. He stated that while this is a high figure, he believes it is conservative. They are now seeking an executive director.

Iowa: Haskell reported that their program at the moment is not too encouraging. It was necessary to cancel the scheduled regional meeting.

Missouri:

Kansas City. Haskell reported that as a result of a good phone campaign, a large number of pledge cards were received, but there was little increase in the pledges.

St. Louis. Haskell reported that this is our oldest affiliate and it predates the national ACLU. The question of the possibility of forming a Missouri state-wide affiliate has not been discussed with the affiliates but it could be raised to see if there is interest.

New Mexico: Haskell reported that the national ACLU has received little information concerning the affiliate. At present, we receive no minutes.

Oregon: Neier reported that they were able to abolish capital punishment, and have done good substantive work in other areas. At present, however, there seems to be no substantial development program.

Wisconsin: Neier reported that there should be a greater development program than they have at present. In the past there has been a problem concerning Madison-Milwaukee communications. They have recently amend their by-laws so that the Milwaukee chapter now has representation on the State Board.

Connecticut: Haskell reported they have a healthy substantive program. They are now the largest Fund B contributor. If a substitute for Fund B can be provided, growth in Connecticut should be encouraged.

Mr. Brown was asked to report concerning Connecticut. They think they now have two young attorneys who are willing, together, to do the job of an executive secretary. He believes that the situation looks good for membership growth. Brown stated that they expect to be put in the 40% status, and that failure to do so would prove very disappointing to them.

Northern California: The separate status of the Northern California ACLU was explained. National expects to raise from $40,000 to $45,000 from Northern California members in 1965.

AFTERNOON SESSION

Minnesota: Mr. Castner reported that their '65 goals are very high. Since becoming fully staffed, they have shown rapid gains. Castner requested that Minnesota be granted Primary Membership Responsibility. They have already taken over much of the physical work for PMR, i.e. processing mailings, checking off payments, etc. Neier spoke in opposition to the Minnesota application for PMR as being premature. He felt that the growth in the past few months and the short experience of the staff has not yet proved Minnesota's capabilities to handle a total membership and development program. Haskell stated that applications for PMR to begin in January should be acted on before the end of the summer, and that ample advance notice should be given the Steering Committee of any such request. This much time is needed for an affiliate to prepare a total development program. Castner stated that if Minnesota is going to make the effort for a substantial development program, they will need to do the PMR work.

Fund B Requests

Texas: Mr. Lovely said that the chapters in Dallas, Houston and elsewhere in Texas are eager to upgrade their programs, and will support a state-wide program. They have a highly competent executive director. Lovely requested a Fund B grant of over $5,000 to help them meet an "adequate budget" of $11,000. Under questioning, he conceded that they could just get by on a $8,000 budget.

Louisiana: Mr. Rubin stated that labels of "communist" and "integrationist", and indictments of leading attorneys under the state Subversive Law, have hurt ACLU. Some cooperating attorneys and many members have been frightened. The general situation in Louisiana is highly explosive concerning the civil rights program next summer. Rubin requested $16,000 to staff the Louisiana affiliate. There was general discussion of the serious need for funds in the South to support civil liberties programs and provide legal protection. Rubin stated that, if all financial support for civil liberties work in the South were to be considered as a package, in his opinion support for the Lawyers' Constitutional Defense Committee should be the top item.

New Jersey: Mr. Mayer stated that the affiliate expense budget was $22,540. The national projected income for the affiliate was $15,000. Therefore, it was necessary that they ask for a Fund B grant of $7,400. Mr. Schroeter commented that their budget did not provide for a fund-raising campaign. Mr. Barbaro said that they plan a number of special fund-raising events, but don't know just how successful they will be, as the affiliate has no past experience in such matters. The affiliate is now operating in the red. They were asking for increased monthly allotments. At present they do not have funds to launch their fund-raising campaigns.

Monroe suggested that affiliates should sponsor special unshared fund-raising projects. Pemberton said that the fund-raising policy set by the old Joint Finance Committee provides for separate unshared affiliate fund-raising projects so long as they do not ask for a contribution, but are a price for a commodity, i.e. cocktail party, theater party, etc. Mazey said that Michigan sponsors a variety of unshared programs, theater parties, concerts, etc. to meet its expenses.

Florida: Schroeter pointed out that their budget indicates that they will raise $26,000. He suggested the possibility of their raising $30,000 and receiving no Fund B grant. Mazey stated that he had just returned from a visit to Florida. They now have a vigorous program, he stated, after coming out of a bad situation as a result of hiring a staff person last year who did not work out well. He felt that the $3,750 Fund B request from Florida was very reasonable.

Georgia: Mr. Morgan asked for a Fund B grant for Georgia of $415 per month or $5,000 for the year. This would pay for an executive secretary and other expenses. Morgan said that Georgia had done little on development in the past year, and had not shown a very vigorous litigation program, but that with such aid they hope to up-grade their activity.

Ohio : Haskell said that the commitment was made last year to grant them $1,500 "if needed." Schroeter said that he assumed that the lack of a letter requesting such grant would indicate that it was not needed.

Colorado: Haskell stated that they have had a new executive secretary for some months, and a vigorous development program. The $2,000 Fund B grant is needed to keep their office going. Schroeter said that they should be able to raise more in special fund drives. He also suggested that the expense items for part-time investigators and lobbyists were unnecessary. Neier said the committee had set a policy last year that Fund B requests should be granted only to affiliates that were inaugurating boot-strap programs in an effort to move to the fully-staffed executive director status. In his opinion this is not the situation in Colorado and their request should be denied. Haskell felt that Colorado needed assistance to move ahead.

Kentucky: Haskell stated that the affiliate was doing a worthy job in the light of their resources. He felt that Fund B support was necessary for Kentucky to continue with its present program. Neier stated that he did not feel that Kentucky qualified for the same reasons as stated for Colorado.

Arizona: Haskell said that the affiliate had expended considerable funds to upgrade their development program. Fund B support was needed to reimburse the affiliate for these additional expenses. Schroeter suggested that if they really spent too much and now did not have sufficient operating income, a loan might be needed. Mr. Mote stated that the Southern Arizona chapter was hard-pressed for money but not, to the best of his knowledge, the Northern Arizona chapter nor the State Treasury.

Action on Fund B Requests

Having heard reports on the development programs, and affiliate requests for assistance, the Committee then voted as follows:

Rhode Island: The Committee voted to move Rhode Island to the 60% category.

Connecticut: Neier spoke in opposition to moving Connecticut to the 40% category. He suggested that we wait and see what kind of a development program they undertake. Mazey stated that on the basis of Mr. Brown's presentation, it appeared that Connecticut had a program under way, and that the Steering Committee should encourage them. The Committee voted to move Connecticut to the 40% category.

Florida: The Committee voted to confirm the second year matching grant of $3,750 from Fund B.

Ohio: The Committee tabled the question of $1,500 from Fund B for 1965.

Minnesota: The Committee denied the request for PMR at this time. The Committee approved a grant to Minnesota of $3,500 from Fund B to assist them in their massive development effort.

Colorado: Their request for $2,000 from Fund B was denied. The Committee voted to urge Colorado to reexamine its budget in an effort to bring expenses within income, and to engage in more unshared special event fund-raising.

Kentucky: The Committee denied their request for $700 from Fund B. The Committee voted to urge Kentucky to up-grade fund-raising efforts.

New Jersey: The Committee granted $575 from Fund B per month for the first six months of 1965.

Texas: The Committee approved the Fund B request for $3,000.

Arizona: The Committee deined their request for $500 from Fund B to reimburse them for development expenses.

EVENING SESSION

Use of Lists for New Membership Promotion. Haskell stated that some problems had arisen out of the new formula on new membership funds. There had been some question as to when the formula went into effect. He stated that January 1st was the effective date and therefore new memberships received by National prior to this time were shared, and new memberships received by affiliates should have been shared. Haskell discussed the problem of direct mail promotion for new members and how such lists might be divided between National and the affiliates to avoid duplication. He proposed that if a mailing list is 50% or more a local mailing list, then the affiliate would have the first option on its use. If the mailing list has less than 50% of its names in an affiliate area, then the National has first option on its use. Both the National and affiliates must communicate with one another concerning the use of such lists and the exercise of their options, except for small 3,000-and-under lists. The chairman ruled that by the sense of the body, this proposal was approved.

Fiscal Responsibility For PMR Affiliates. Haskell pointed out that some PMR affiliates are from time to time financially embarrassed. He felt that such affiliates should never be allowed to simply withhold from National for several months its proper share of income. It was stated that neither the affiliates nor the national organization should be allowed to withhold their respective shares of income. If either entity foresees a period of financial stringency, it must make proper arrangements with its opposite number, but not solve the problem by unilateral action. Passed.

Vigilance Fund Equipment Loans. The Committee approved National's request for $9,400 from the Vigilance Fund for this purpose, to be repaid over a five-year period.

New Jersey: The Committee approved a $500 equipment loan to be repaid over a three-year period.

Minnesota: Minnesota requested that it be granted a $600 equipment loan to be repaid the year Minnesota is granted PMR.

General discussion considered the possibility that many affiliates might request similar equipment loans. Mazey stated that Michigan had paid for its equipment on an installment basis, and felt that other affiliates might do likewise. Haskell read from the past minutes the policy concerning the

Vigilance Funds which provided that money could be loaned for capital equipment for National or affiliate organizations so long as such amounts were repaid to the Vigilance Fund.

A motion was made to reconsider the loan to New Jersey from the Vigilance Fund. The motion granting the loan to New Jersey was revoted and the request was denied, as was the Minnesota request.

The Committee voted to have the national organization establish a revolving fund of $2,500 to be used for two-year loans to affiliates for capital equipment purchases, this fund to be established out of the general fund with loans administered and approved by the National staff.

Southern Problem. Pemberton stated that the National ACLU does, to a substantial extent, attempt to influence legislation. Thus, it is not eligible as a tax deductible organization. New York Civil Liberties Union did set up an education foundation which attempted to use tax-deductible dollars. This has since turned into the National Assembly for Teaching the Principles of the Bill of Rights.

Pemberton reviewed the establishment of Lawyers' Committee for Defense of the Constitution. The board of LCDC is representative of a variety of civil rights groups. The organization received a $15,000 grant from the Vigilance Fund and received contributions from other groups and individuals to a total of about $60,000. Last summer, LCDC sent 125 lawyers into the South. Their expenses were paid, but no salaries. For the three month period, the LCDC attorneys were extremely active in the Southern states. At the end of the summer, LCDC made application for foundation support. No positive answers were received to their requests. With the announcement of the formation of the President's Lawyers' Committee, the foundations encouraged LCDC to negotiate for joint efforts in providing legal assistance in the South. The President's Committee (LCRUL) vetoed these negotiations, and, in effect, attempted to preempt the field. The claim of the President's Committee that it will defend rights under law, at least in Mississippi, has greatly reduced the possibility that LCDC will receive any substantial foundation support. Pemberton raised the question as to whether the ACLU should support LCDC as an experiment in the area of tax deductible fund-raising. Neier stated that New York CLU is now being helped by additional cooperating attorneys as a result of the LCDC program. He said that volunteer attorneys have returned from their summer weeks in the South eager to take on additional civil liberties work.

There was general discussion of the LCDC situation. It was stated that there will be obvious need for additional attorneys in Louisiana this summer. The question was raised concerning the LCDC Board's possible reaction to the Pemberton suggestion, and possible LCDC conflict with the functions of the Southern Regional Office. Schroeter proposed (1) that the ACLU assume responsibility for LCDC as a tax-deductible foundation; (2) that $16,000 be appropriated for the Louisiana CLU out of the Vigilance Fund; (3) that the Southern Regional Office take organizational responsibility for Georgia, Alabama and unaffiliated southern areas, such responsibility to be staffed out of the Southern Regional Office.

The Committee approved Mr. Schroeter's proposal #1 on the condition that LCDC acquire proper ACLU identification and control, as a tax-deductible foundation. It was further stated that promotion of tax-deductible funds for LCDC should not be at any sacrifice to the support of the S.R.O.

The Committee approved a "one-shot" Vigilance Fund grant of $15,600 to the Louisiana affiliate, with subsequent support to come from some substitute for Fund B in 1966.

The Committee voted to give the Southern Regional Office the responsibility as suggested in the Schroeter proposal #3, and to provide one additional staff person for the S.R.O. - this to be done if affiliate income goes over the projected 1965 goals and thus provides increased funds to the S.R.O.

There was general discussion of the future of Fund B. Mazey suggested that the 10% affiliate contributions now going to the S.R.O. continue, but in the future be put into a development budget. Schroeter suggested that affiliates submit yearly budgets and a percentage of what income exceeds these budgets go to the support of needy affiliates. Neier felt that the straight 10% affiliate contribution was not sufficiently glamorous or creative. There was a discussion of the possibility of the adoption of the underdeveloped areas by the rich and powerful affiliates. Schroeter suggested (1) that the Fund B cease as of 1966; (2) January 1, 1966 would find us with a need for a new large fund for underdeveloped areas; (3) that this fund should be the responsibility of National and affiliate contributions.

It was agreed that the Steering Committee would next meet on Friday, April 2, the day before the Plenary Meeting of the National Board. It was agreed that the National Development Committee in its entirety should meet early in the summer to map out a general program.

Schroeter suggested that on the next agenda there should be an item concerning professionalization of the staff of the affiliates. This item should consider staff criteria, pay, pensions, and job descriptions. There should also be included similar items concerning the National staff. He suggested that the National staff work up a chart describing these items.

Schroeter suggested that following his field trips, Haskell should provide written reports to the Steering Committee members concerning the development efforts of the visited affiliates.

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The meeting adjourned at 12:35 a.m.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

MINUTES

NATIONAL PLANNING COMMITTEE

FEBRUARY 12, 1965

PRESENT: Ralph Brown (Nat'l Board), chairman; Ralph Fuchs (Nat'l Committee, Indiana); Will Maslow (Nat'l Board); Spencer Coxe (Greater Philadelphia Branch); Leonard Stein (St. Louis Civil Liberties Committee); Brandoch Lovely (Texas Civil Liberties Union); Jack Pemberton, Sy Bucholz, Alan Reitman, Leanne Katz, Anne Strickland (Staff).

The Committee accepted Mr. Brown's system of classification in evaluating each item on the Agenda, previously circulated.

A. Proposals that are clearly worth doing.

1. Highest priority, should be launched in 1965 or 1966.
2. Medium priority, must await substantially increased resources.
3. Low priority, execution not foreseeable in the next five years.

B. Proposals of promise that can only be tested by trial. In every case, we must ask how can experiments be set up, either in time or space (local or regional experiments where possible).

1. ....
2. ....
3. ....

C. Proposals that we think should be discarded.

LEGISLATION

Mr. Pemberton commented that the ACLU is primarily a reactive organization rather than one which plans active programs to achieve our objectives. For example, the ACLU reacted to President Johnson's education bill after its introduction in Congress rather than anticipating the bill and its civil liberties dangers. Mr. Brown, in agreeing with this analysis, remarked that there is a dichotomy between reacting to civil liberties violations and advance programming. Mr. Reitman said that the problem is deeper because of the lack of resources to implement program; for example, even if the ACLU announced and planned a program supporting a certain bill, adequate resources would be needed to carry the plans through.

Mr. Maslow pointed out that the Union has neglected legislation in favor of litigation. This ignores, he stated, one of the Union's greatest assets: it is not tax-exempt and therefore is free to engage in activities that other organizations with this privilege cannot. Furthermore, legislative work necessarily involves the members of an organization and thus we could mobilize the total resources of the ACLU: our members as well as the professional staff and leadership. He cautioned, however, that a legislative program must be limited to items that can realistically be handled, emphasizing that he was vigorously in favor of the Union giving top priority to legislative work.

Mr. Reitman noted that legislative work was going on, involving not only the Washington, D.C. office but also our affiliates. Mr. Coxe commented that the affiliates are so overwhelmed with paper work and details that they tend to emphasize the immediate issues and problems rather than dealing with long range goals (such as a model piece of legislation). He suggested the addition of a staff member in Washington, D.C. to send material directly to a designated person in the affiliate responsible for legislative action in that area instead of going through an overworked affiliate office. Mr. Maslow felt this method would be ineffective, for there must be an organizational decision giving legislation top priority, and ignoring everything else. Mr. Stein suggested drafting a piece of model legislation and putting it on the agenda for the next ten years on the assumption that it will take that long for the affiliates to adopt it at each one's individual speed. Mr. Coxe stated that substantive policy issues aren't decided quickly enough at the national level and that the affiliates don't do more on legislative matters partly because of lack of funds but also because the affiliate heads are not field directors but heads of local autonomous organizations.

Mr. Maslow stated that a major prioirty should be given to the addition to the national staff or a legislative director, not merely for Washington lobbying which is Mr. Speiser's special function. He further moved that section II(3) dealing with a National Legislative Committee, be given a "C" rating. There was general agreement on the second part of the Maslow motion. Regarding item II(1), Mr. Stein recommended the national Board establish, in consultation with the affiliates, a continuing agenda of national legislative concerns or prioirties, i.e., a continuing docket of legislative aims. This was amended by Mr. Maslow to include the legislative concerns of affiliates, and the motion carried with an "A-1" priority.

With respect to the addition of a legislative director, Mr. Lovely moved that it be given a rating of "A-2"; it was pointed out that such an addition did not have to be included in the 1965 budget. Mr. Lovely's motion carried unanimously.

Mr. Brown's motion that no recommendation be made concerning item II(2) (staffing of affiliate legislative offices) was adopted, and item II(4) (using membership energies in lobbying) was tabled to be taken up with the discussion on membership.

EDUCATION

After considerable discussion of educational needs in the civil liberties field, Mr. Maslow suggested that the Union hire a national education director and also that the Board designate a subcommittee to implement the educational programs including publications, in view of the need for long-range educational work.

Item III(1) (special attention to be given the 175th anniversary of the Bill of Rights in 1966) was labelled "C".

The following comments were offered and action taken with regard to the other items under III(2):

(a) With respect to the Annual Report which is produced at a total cost of approximately $19,000 annually, the opinion was expressed that perhaps a shorter version, which would require revision of the present approach, would cut costs. There was discussion of the value of polling the affiliates for advice regarding the Report including alternatives of what could be done with the money now spent on the Report, although Mr. Stein felt this should be decided by the national Board. Mr. Lovely moved that a general investigation of the value of the Report be conducted by the national staff among affiliates, members and other readers, and this motion passed unanimously.

(b) The recent changes in carrying depth articles in the Civil Liberties monthly were praised and there were no recommendations for further changes.

(c) With respect to the idea of a civil liberties magazine, Mr. Maslow stated that it was much easier and less costly to contribute civil liberties articles to other journals than to start your own. There was general agreement with this approach and no recommendation was made on the magazine idea.

(d) Mr. Coxe felt that money saved on publishing the Annual Report should be used to publish a series of pamphlets setting forth the ACLU position on various topics. Mr. Maslow favored mimeographed materials for this purpose, for they are low in cost and can deal with a subject in depth since such materials are generally for a specialized audience; pamphlets, on the other hand, tend to be over-simplified, though he mentioned that the one on HUAC recently printed by the Union was a notable exception. Mr. Maslow further suggested that the money saved on the Annual Report could be used to produce a textbook on civil liberties which would hopefully encourage courses on the subject in high schools. (Mr. Reitman pointed out that the Crowell Publishing Company was considering such an idea and the office was working with them.)

(e) With respect to the Speaker's Manual, Mr. Reitman reported that Mr. Baldwin was now working on a draft which would be accelerated by the policy manual which is almost completed. On the subject of speakers, Mr. Stein suggested that the national office compile a list of 20 - 30 persons who are good speakers and send it to various organizations, especially those with regular conventions, and not merely civil liberties groups. After general discussion, it was decided this would not be feasible.

Item III(4) (an annual meeting or institute on a civil liberties topic) was discussed with emphasis given to the question of whether such an educational and publicity program would be wise. Mr. Coxe felt that this should be given low priority, and the Committee decided to rate it "B-2".

LITIGATION

Item I(1) (a national legal docket) was discussed, and it was felt that such a docket would be helpful.

Mr. Wulf reported that the policy adopted by the Biennial Conference and Board with respect to the affiliates checking with the national Legal Department on all Supreme Court briefs was now being practiced and the Committee affirmed the value of this procedure. Mr. Coxe raised the point about not identifying the ACLU's name on briefs for which it paid in cases going to the Supreme Court. Mr. Wulf strongly emphasized that the national office should approve all briefs filed in the Supreme Court if they are either paid for by the ACLU or bear the ACLU's name. The Committee affirmed this position, too.

The issue of local damage suits [I(3)] was discussed, and Mr. Stein remarked that this seemed to be an effective way of dealing with police brutality, an injustice which rarely receives national attention. Mr. Wulf agreed that damage suits were indeed effective in controlling police malpractices and, as such, were being encouraged.

The question of a legal librarian [I(4)] was not considered important enough to discuss at this time.

MEMBERSHIP INVOLVEMENT AND DEVELOPMENT

There were no recommendations concerning items IV(1) (a through e) for the Committee regarded these items to be of local affiliate concern. These dealt with legislative action groups, workshops on civil liberties issues, distribution of literature, speaker's bureaus, and contacts with special organizations (labor, teachers, churches).

Item IV(1)(f) (having non-lawyers serve on subject matter committees) was felt to be a good experiment and should be encouraged when feasible and useful.

The value of local membership meetings to obtain members' thinking on policy issues [IV(1)(g)] was considered, and Mr. Maslow said that if the meetings were interesting enough, people would come. However, Mr. Coxe stated that, unlike many organizations, people do not join the ACLU for social reasons, and thus do not depend on such meetings or even want them. This led to discussion of a membership poll to determine exactly what kinds of people make up the ACLU membership, and the Committee agreed that this was a good suggestion and should be discussed at the joint meeting on Saturday (see minutes of joint meeting attached).

BASIC ORGANIZATIONAL MATTERS

With respect to problems of policy coordination, Mr. Reitman announced what the policy manual was being written and would soon be available; this should help solve some of the problems of policy coordination. Mr. Maslow commented that no affiliate should be allowed -- without the Board's permission -- to take a position contrary to existing policy. This led to discussion and interpretation of the pertinent provision in the ACLU Constitution, Section 6 which reads:

> "An affiliate shall act in accordance with the policies of the Union, with the understanding that the purpose of this requirement is to obtain general unity rather than absolute uniformity."

There was general feeling that unless a serious problem arose there was no need for such a prohibitive rule as that proposed by Mr. Maslow. Mr. Brown and Mr. Stein suggested that the policy manual have a short preface which would include (1) the above quotation from the ACLU Constitution; (2) an exhortation to avoid unnecessary differences by consultation with the national office; and (3) the Board's Executive Committee statement of December 16, 1963 and January 6, 1964 which reads as follows:

> "It appeared to be the sense of the Committee that more effective prior consultation (not involving mandatory conformity) between affiliates and the national office could be achieved where novel federal issues are being raised, Acts of Congress of federal officials are being challenged, or problems having national significance and novel import arise. For this purpose, Mr. Fraenkel pointed out, highest priority should be given to the collection of a useable national policy guide, in order that questions on which the Union has taken a national position can be readily identified and questions which are novel can be distinguished. At the same time, Mr. Pemberton pointed out, greater emphasis should be given to the agenda of policy issues which are being considered at any time by the subject matter committees of the national Board, both to encourage participation in national policy formation and to discourage pre-commitment of the organization to a position on policy issues which are under consideration."

There was unanimous agreement on this recommendation. It was also agreed that the affiliates could not be urged to refrain from taking positions on undecided issues of national policy simply because there might be undesirable publicity. However, Mr. Maslow pointed out that the affiliates can make it clear in such a situation that their consideration of the issue is simply one step in the formulation of national policy and that the national Board has not yet made a decision.

The Committee then turned to item V(2) concerning our need to obtain research help on policy issues.

No recommendation was made concerning item V(2)(a) (farming out problems to affiliates for working papers), as this system is just being tried.

It was emphasized that with respect to item (2)(b), sometimes topical research -- both short and long-range -- is needed, and the example of the $1,000 expended in 1954 to have Allen Raymond write our report on government news suppression was cited.

With respect to the question of setting up a separate research department, it was agreed that this would not be useful at this time, and accordingly item V(2)(c) was given an "A-3" priority.

The Committee took up the question of whether ACLU should adopt, as within its scope of activity, such forms of social action as picketing, sit-ins and marches [item V(3)]. After discussion, it was agreed to endorse this position taken by the Board's Executive Committee on December 16, 1963, and January 6, 1964:

> "4. One particular area of potential membership activity did not seem to the Executive Committee to merit the encouragement given other suggestions. This area was that of picketing and taking part

in other direct action techniques of the primary civil rights organizations. Members pointed out that the Executive Committee had endorsed the Union's participation in the March on Washington on August 28 last, and that ACLU leaders had participated in the 1930's in the Jersey City challenge to the public meetings ordinance of that city. The Committee agreed with Mr. Reitman's cautions on broadening the scope of the Union's activities to include such participation (pages 15-16 of the paper, "The ACLU -- Today and Tomorrow") and were satisfied to have such participation continue to be regarded as exceptional."

With respect to the question of our policy regarding cooperation and non-cooperation with other organizations, the Committee after discussion agreed to endorse this position taken by the Board's Executive Committee on December 16, 1963 and January 6, 1964:

"2. Cooperation with other organizations. Mr. Reitman pointed out that two considerations tend to discourage our cooperation with many other organizations in many circumstances: (a) the differences between their purposes and ours, and the essential function performed by the singleness of our organization's purpose, and (b) the burdensomeness, in terms of our markedly limited staff and resources, of having to undertake additional responsibility for the public defense of our organization occasioned by its public association with other organizations who may be subjected to attack, legitimately or illegitimately, for circumstances not otherwise applying to the Union. Discussion noted that these policies had not kept us from cooperating with other organizations in the civil rights movement as an exceptional instance, and even encouraging our affiliates to so cooperate, despite the frequent combination in other civil rights organizations of economic objectives with the civil rights goals we endorse. Nor have these policies kept us from seeking cooperation with other organizations and stimulating their interest in our objectives through the National Civil Liberties Clearing House and in the conduct of such campaigns as that to abolish the HUAC. (In the latter instance, however, our efforts have been aimed at organizations whose reputations have been such that the association did not impose an additional defense burden upon our resources). The Executive Committee did not propose that the Union change its policies, neither those which tend to discourage cooperation with other organizations, nor those which encourage it in the special circumstances described."

After a short discussion of item V(5), Mr. Lovely suggested that the whole matter of the professionalization of the staff be given an "A-1" priority and that a position paper be prepared on this subject. The Committee accepted his recommendation and decided that the issue should be considered in greater depth at a later date. The question of possible staff enlargement, needs and resources was postponed until the joint meeting on Saturday.

The meeting was adjourned.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

MINUTES
NATIONAL PLANNING COMMITTEE AND NATIONAL DEVELOPMENT COUNCIL-
STEERING COMMITTEE -- JOINT SESSION
FEBRUARY 13, 1965

Present: Ralph S. Brown, presiding; Robert D. Barnes, Spencer Coxe, Ralph Fucns, Sophia Yarnell Jacobs, Brandoch Lovely, Will Maslow, Ernest Mazey, Eason Monroe, Robert Risk, Leonard Schroeter, and Leonard Stein.

Staff: Messrs. Reitman, Haskell, Mote, Morgan, Wulf, Pemberton, Bucholz; Mrs. Katz.
Visitors from affiliate areas: Lynn Castner, Mrs. Ramona Kaplin, Aryeh Neier, Mrs. Vivian Monroe.

I. Litigation

Mr. Schroeter emphasized two significant advantages to be gained from the legal committee and regional lawyer's conference proposals set forth in the outline: (1) for frontier legal issues -- e.g. if the Board adopts a new position on capital punishment and ACLU attorneys become charged with developing new strategies for carrying out that policy, such conferences ought to be called to enable good lawyers to fertilize each others minds; moreover the valuable insights of constitutional law professors from the law schools, not now adequately employed by ACLU, should be sought in these conferences. (2) When issues common to several affiliate areas appear, conference on a common strategy is needed to avoid setting bad legal precedents. After considerable discussion Mr. Schroeter moved to recommend that a National Lawyer's Panel be established to list persons who can be involved in national and regional conferences as needed to serve either of these purposes, and that this recommendation be assigned a "B(1)" priority.

II. Legislation

Mr. Brown reported the deliberations of the Friday meeting of the Planning Committee on the subject of legislation and Mr. Barnes moved adoption of the recommendations of that session. After discussion Mr. Barnes's motion carried.

III. Education

1. Focus of Educational Activity.

Mr. Reitman posed the questions stated in the agenda concerning the focus of our education activity:

A. Leadership groups or the man in the street?
B. Concentration on ACLU action or broader civil liberties education?
C. Emphasis on our watch-dog role or improving enforcement?

At this point Mr. Monroe expressed disagreement with the approach embodied in the tentative agenda and the posing of these questions. We should, he said, decide first what we are to be in 1975 -- what needs to be done or created in our nation and what our part of doing and creating it should be. Our watch-dog role has not been enough; a civil liberties engineering operation is needed. Thus, if we decide that capital punishment as an institution is inconsistent with liberty, we can mount a sustained offensive which will eliminate it. By contrast we shall steadily lose ground by maintaining a constant defensive posture. Discussion of Mr. Monroe's statements revealed challenges to his assumption that we really have been losing ground. But Mr. Schroeter suggested that the growth of the far right reflected a new polarization of public thinking into liberation and anti-liberation forces. The far right has perceived -- more correctly than we have, he said -- that its counterpoise is the ACLU. We shall face in the near future a political role that we have not yet recognized -- or there will be a vacuum.

Professor Fuchs suggested, however, a need to distinquish substantive issues which do bear upon civil liberties -- capital punishment, reapportionment, juvenile procedures and welfare, administrative procedures -- that have enormous policy implications that we may well doubt they properly belong to us. To this Mr. Stein suggested that, though he disagreed that liberty is in any danger than it always has been, we do face a new and difficult climate of opinion. In it the problem for us is to find the points of decision-making-- the points where we can more effectively make our points.

Mr. Schroeter brought the topic back to civil liberties education with his suggestion that both sides of the alternatives posed by Mr. Reitman's dichotomies are an ACLU responsibility -- and that everything the Union does, in the courts and in government media as well as in the mass media, is a form of public education. What we have got to accept is that we have a major responsibility for the libertarian concerns of our society; for it we need 500,000 members and ten million dollars by 1975. Dr. Risk expressed a concern about the quality of our organization if we proceed toward such a quantitative goal. He suggested that ACLU's experience with legislation to abolish capital punishment in Indiana underscored the opportunities for effectiveness through society's pressure points rather than by frontal assault.

At this point Mr. Barnes moved that the Reitman questions be answered by a recommendation that we assume the broader alternative in each case and that we assign an "A(2)" priority to adding an Educational Director in the national office. Ensuing discussion developed a concensus that both a sub-committee to fulfill the challange of the Monroe memorandum and describe our goals for 1975, and a sub-committee to specify an ACLU program of education, be formed. After discussion, and with some dissent, the Barnes motions carried.

2. Role of Civil Liberties Educational Foundations.

Mr. Pemberton, after calling attention to the responses received to his memorandom to the Committee on Tax-Deductability (previously circulated), summarized the facts outlined in that memorandum. Mrs. Monroe elaborated upon the experience of the California Constitutional Rights Foundation, which she serves as Executive Director, in obtaining a commitment of the State Board of Education to achieve a satisfactory program of civil liberties education in the elementary and secondary schools, and of the state Board and of school districts within the system to commit resources to teacher- training

and preparation of curricular materials.

Mr. Neier then elaborated the thinking of the NYCLU executive committee concerning its civil liberties defense and education fund (wholly controlled by the board of directors of NYCLU). He explained that NYCLU hopes to acquire some additional funds through this mechanism that would not be available to the organization because of non-deductability, strictly without impairment of the advance of regular membership income. Such funds might be committed to specific educational projects, and might as well be committed to some types of legal defense work. However, he emphasized that NYCLU sought to delay implementation of its plans untill a truly corporate decision on the part of the entire organization could be achieved with respect to the employment of devices of this kind.

Mr. Maslow, pointing out that he was the Executive Director of an organization that did enjoy donor tax deductability, emphasized the dangers of government scrutiny implicit in a favorable tax ruling. Offsetting it, of course, are the advantages of substantial foundation gifts for specific projects. But a special concern must be given by ACLU to the danger of fostering competition for funds by the proliferation of such tax-favored units -- competition with each other and competition with the regular source of ACLU income, and Mr. Prashker expressed opposition to any tax deductable educational fund for the danger of its diversion of our energies from more critically needed work. He felt that the combination of a legal defense and educational fund would stand on a different footing.

Mr. Schroeter at this point reported the action of the NDC Steering Committee favoring ACLU support, through solicitation of its own sources of financial support, of the Lawyers Constitutional Defense Committee-- if need be -- on condition that its name and structure be modified sufficiently to achieve an identification with ACLU. He moved that we adopt a three part recommendation: (1) that the LCDC experience be observed and, if successful, used as a legal arm (enjoying donor tax deductability) controlled by ACLU, seeking large (including foundation) gifts only. (2) That we seek to create a separate educational fund, controlled and staffed by the educational department of ACLU, but with a board separate from ACLU's. (3) That we encourage affiliates to seek a separate educational and legal defense fund, comparable to that of NYCLU, employing it only to obtain the money that could not be had on a non-tax- deductable basis. Mrs. Monroe pointed out, from her own experience on behalf of CRF, that a national ACLU educational fund could obtain support from foundation sources that would not be available to local efforts such as her's. Mr. Haskell, while advocating a structure of national and affiliate funds such as that contemplated in the Schroeter motion, emphasized the need for guarding against two dangers: (1) interference with the continuing advance of regular membership income, and (2) the danger of disproportionate financial success with such funds in affiliates located in large metropolitan areas (the rich affiliates will become richer while the poor ones will become poorer). Mr. Schroeter suggested that his motion contemplated the adoption of: (1) a minimum gifts requirment for the tax deductable entity (to avoid interference with regular membership income), and (2) a sharing formula to protect the capacity of the national fund to aid affiliates unable to attract large gifts themselves. He suggested a $1,000.00 minimum limitation on gifts. Mr. Neier suggested that if a national foundation were created, there would not be need for affiliate funds generally, since the national foundation could conduct specific projects desired by an affiliate in its area. With this in mind, it should be governed by a management body comparable to the Steering Committee. Mr. Schroeter emphasized that the legal work of a tax deductable legal arm such as LCDC should be specialized.

Mr. Mazey offered a substitute motion that endorsed the concept of setting up such a donor tax deductable fund and that details be worked out in the near future. Then Mr. Prashker moved that the Chairman appoint a committee of this body to propose in full detail a concrete proposal, directly to the Board (that is, without awaiting another meeting of this body), at its April 3rd meeting, after circulating its recommendations to the remaining members of this body. Mr. Schroeter and Mr. Mazey accepted the Prashker substitute motion and, after an expression of urgency on the part of Mr. Neier, the motion carried.

IV. Membership Involvement.

Mr. Maslow proposed that a new sampling of our membership be made, to disclose a profile as to sex, education, income, professions and occupation, involvement in other voluntary organizations, and government employment. Such a sampling had been done in 1957, with assistance from the Roper firm. Mr. Monroe and Mr. Reitman reported on two pending studies, pertaining in part to the character of our membership, and involving considerably greater depth of inquiry and description. However, after discussion, the group agreed assigned to the expenditure of ACLU money and energies in such surveys a "C" priority.

With respect to chapter development, Mr. Schroeter moved that wherever groups of ACLU members live in manageable contiguity, affiliates be encouraged to organize chapters with emphasis on participation in state and national legislative activity, educational activity and duplication of the national subject matter committee structure. This recommendation was adopted by the body.

V.Basic Organizational Matters.

Mr. Fuchs proposed that an additional question be added to the agenda: How can we determine the proper substantive scope of the Union's concerns? (What frontier civil liberties issues should be taken on by the Union? What receding ones should perhaps be dropped?) After considerable discussion of the dangers and merits of adding additional structure and adopting guidelines for determining proper civil liberties issues, Mr. Stein proposed a three part recommendation: (1) that the policy manuel (now under preparation) be concluded with all deliberate speed. (2) That the national Board adopt a docket of current concerns, consisting of, perhaps, ten or fifteen of the major items of civil liberties concern, viewed in two parts: (a) those as to which existing policy is established, and (b) frontier issues as to which policy is in the making. (3) That selected items from this docket be agended for consideration in depth at each Biennal Conference, items from part (a) for programatic review and from (b) for policy making. Mr. Coxe commented that this kind of long range program planning, with its implication for national provision of additional resources to affiliates, must be assumed as a responsibility of the national organization. To achieve it we must make the national office grow faster, somewhat reversing the emphasis of the preceding decade upon affiliate growth. Mr. Brown pointed out the need he felt for greater depth in the national staff, to provide more effective service to the Board and subject matter committees. Mr. Monroe suggested that our long range planning requires a completion of our compilation of policy, a programatic study designed to identify the major gaps between the

principles embodied in our policy positions and the practices of society, in the development of a program to deal with these gaps.

Mr. Schroeter undertook to summarize the discussion so far with the statement that long range planning should be the responsibility of the national Board as the result of work of expanded subject matter committees (including representatives of affiliate subject matter committees), aided by more adquate staff and by volunteer expertise recruited by staff, with basic new policy and program being made by the enlarged Board (at plenary Board meetings) or by the Biennial Conference. In response to an expression of the danger of depriving the Board of our power to react, Mr. Schroeter emphasized that his view of the policy making responsibility of the Board and Beinnial Conference did not contemplate that the smaller, regular Board-- or even the staff in between meetings of that Board -- would not act and react as rapidly to new situations as was necessary to be operationally effective. The smaller Board would serve as a kind of executive committee.

Discussion of Mr. Schroeter's summary turned the body's attention to proposals that the Biennial Conference be expanded into a truly national convention. Advocates of the convention system suggested that the three to five thousand ACLU members who are active in carrying out our program should be given the opportunity to meet with each other. But much concern was expressed for the effect upon ACLU policy of giving a convention policy-making responsibilities. Mr. Stein suggested that the value sought in this discussion of conventions was that of human contact and cross stimulation. For this purpose a large convention is really ineffective; activities such as Washington's neighborhood meeting far better serve that purpose. Mr. Brown pointed out that present policy making authority is vested in the national Board, subject to very major powers in the Biennial Conference. He doubted that comparable powers could be given to a convention.

Discussion did not resolve the several views expressed concerning a convention, though some expansion of the Biennal Conference seemed to be consistent with the sense of the meeting. Mr. Schroeter's summary, however, was deemed adopted. In addition, the suggestion of a national conference of national and affiliate staff personnel, each affiliate assuming financial responsibility for its own staff perhaps in conjunction with plenary meeting of the Board, received favorable consideration.

Mr. Schroeter reported, for the NDC Steering Committee, on its discussion of development in the Northern California area and moved that the joint body recommend to the national Board that it undertake to repoen with the board of the affiliate in Northern California the question of integration under the provisions of the ACLU consititution, with view to encouraging its becoming an integrated affiliate. Mr. Monroe encouraged this motion with a report of materially enlarged cooperation between the two California affiliates over development of a legislative program, and the Schroeter motion was adopted.

Mr. Stein called attention to his earlier motion, from which discussion had departed, and his motion was adopted.

Discussion of the regional conference's question on the agenda focused upon the several regions in which ACLU lacks affiliates. It was suggested that outside of the southeastern region, now being dealt with by the Southern Regional Office, development responsibilities should be assigned to strong affiliate offices in neighboring states. However, Mr. Stein doubted that a national responsibility should be assumed for encouraging this development. And consensus concluded that such "affiliate imperialism" should be approved where a strong affiliate took the initiative and was willing to accept the responsibility, without adoption of national policy.

Mr. Brown then called attention to the several recommendations that had been approved concerning additions to national staff and called for discussion

as to the priorties among them. These recommendations were for (1) deepening of the existing staff, (2) addition of a legislative director, and (3) an educational director. After discussion the body approved recommending such an enlargment, with priorities assigned in the order named.

At the conclusion of the February 13th session, sub-committees were appointed to deal with the Monroe call for a statement of ten-year goals, the development of an educational program, and the making of concrete recommendations concerning tax deductable funds. Assigned to these committees were: 1975 (Monroe, Lovely, Schroeter, and Pemberton); Education Program (Mazey, Reitman, and Coxe); Tax Deductable Funds (Jacobs, Neier, Haskell). It was agreed that the first two sub-committees would meet on Sunday and report back later to the combined body; the tax deductable sub-committee would meet the following week and report to the April plenary Board meeting.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

AGENDA

BOARD OF DIRECTORS MEETING

MONDAY, FEBRUARY 15, 1965 - 12:30 P.M.

156 FIFTH AVENUE - ROOM 725

1. Minutes of February 1 meeting.

ACTION

2. Recommendations of the Church-State Committee and affiliates on public funds for institutions of higher education (memorandum by Leanne Katz, covering Committee recommendations and affiliate advice, enclosed).

3. Strategy in dealing with Federal Elementary and Secondary Education Bill.

4. Recommendation of the Free Speech and Association Committee on the Biennial Conference proposal regarding wartime repressive measures.

5. Executive session on executive salaries.

INFORMATION

6. Loyalty oath developments.

7. Further harassment of Tobias Simon.

8. Developments in LCDC and LCCRUL.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

MINUTES

BOARD OF DIRECTORS MEETING

MONDAY, FEBRUARY 1, 1965 --- 12:30 P.M.

PRESENT: Mr. Angell, presiding; Messrs. Black, Brown, Ennis, Evans, Galantiere, Hacker, Heckscher, Maslow, Miller, Prashker, Rice; Mrs. Pilpel; Judge Kenyon.

Office: Messrs. Pemberton, Haskell, Mote, Wulf, Reitman, Bucholz; Mesdames Floyd, Katz; Miss Strickland.

Visitors: Messrs. Aubrey Golden, Henry Schwarzschild, Frank Sutherland.

1. Minutes. The minutes of the January 18 meeting were approved as circulated.

2. Introductions. Mr. Ted Mote, the newly appointed Assistant Director of Membership and Development was introduced and welcomed, as was Mr. Frank Sutherland, a long-time volunteer. Mr. Aubrey Golden, a civil liberties lawyer from Toronto, and Mr. Henry Schwarzschild, Executive Secretary of the Lawyers Constitutional Defense Committee, were also welcomed.

3. Louisiana Civil Liberties Union. Mr. Wulf presented a letter from Steven Rubin of the Louisiana Civil Liberties Union regarding the threat of the Ku Klux Klan "to deal with" any who attended the Brooks Hays meeting in Bogalusa on January 7th, and informed the Board of the Klan's consequent success in cancelling this meeting. He then asked the Board's advice concerning the affiliate's contemplated legal action against the Klan for threatening those who would exercise First Amendment rights. After some discussion, Mr. Ennis moved that the information warranted seeking judicial protection in light of the Klan's record of using violence to carry out their threats. This factor makes the Klan handbill distinctly different from "offensive" tracts and speakers (e.g. Rockwell) whose lawful expressions may provoke others to violence. His motion carried unanimously.

4. Political Activity of Broadcasting Personnel. Mrs. Pilpel presented the recommendation of the Radio-TV Committee regarding outside political activity of broadcasting personnel and said that the Committee had voted to adopt position #2 of the alternatives listed in the Committee's January 20 minutes, previously circulated to the Board (which was also the position of Richard Salant of CBS), i.e., "a broadcasting employee who is identified with a cause has the right to retain his position and not be fired; but as long as he is identified with a controversial issue, he should not be permitted to function in any part of his job related to that issue." Mr. Prashker objected, for it appeared to him from the reproduced correspondence with Mr. Salant that Mr. Salant, in a continuing issue would relieve a newscaster of all news responsibility; if this happened, the station could understandably not keep the newscaster in a position comparable to the one formerly held. Moreover, he felt that ACLU should not be telling a broadcaster how to determine the fitness of its news personnel; the broadcaster should be free to determine what was necessary, for instance, for

it to project the impression of objectivity in reporting that it sought to achieve.

However, Mr. Heckscher criticized the recommendation for its failure to look simply to whether the newsman's performance of his primary responsibility was affected; if not, he saw no reason for the transfer of responsibility contemplated by Mr. Salant. Agreeing, Mr. Hacker pointed to the Union's analogous position with respect to a teacher's outside political activities. And Mr. Galantiere, pointing to our recent statement on police membership in the John Birch Society, criticized the lack of indication, in the CBS position, that controversial affairs were considered important. Mr. Prashker urged that a difference between the newsman's responsibilities and that of a teacher lay in the freedom of the broadcaster to take positions in controversy -- which the Union encourages -- and to contribute to public awareness of it through reporting. Mrs. Pilpel reported that the Committee did not believe that the newsman must be removed from reporting on a controversy in which he was engaged -- only that it would view anything more than such removal as wrong. After further discussion the Committee's recommendation was revised to comport with Mrs. Pilpel's statement and adopted 8 - 4.

5. Pay Television. Mr. Evans presented the report of the Sub-committee of the Radio-TV Committee dealing with pay television, stating that the Subcommittee has discussed the Californian Proposition 15 (banning pay TV) and recommended endorsement of the Southern CAlifornia ACLU effort to enjoin enforcement of the Proposition (qualified, as the minutes report, with respect to the need for greater precision in stating the due process grounds). The adoption of this recommendation was moved, and discussion followed. The recommendation was grounded on the inadvisability of prohibiting any means of communication. After discussion, the motion was adopted 12 - 1.

Mr. Evans then reported the recommendation of the Sub-committee on Pay Television that the conditions (#1, 2, 3, and 4) enbodied in the Union's May 16, 1955 position be eliminated from the statement and that the Board "vigorously endorse" pay TV on the grounds of diversity. He then moved the adoption of the recommendation. Mr. Brown moved to eliminate the "plug for STV", and his amendment was accepted by Mr. Evans. Mrs. Pilpel, expressing opposition to the motion, felt that at least minimal guidelines were needed to keep from driving free TV out of existence -- hence, if not the insistance on two free TV channels before allowing pay TV, there ought to at least be serious consideration of the effect on free TV, since our concern here is the attainment of maximum diversity. At this point, Mr. Evans restated his motion to read: "Since licenses to broadcast should be judged in terms of the public interest, convenience and necessity, and since the ACLU believes diversity is an essential element of this field, we resolve that one way of promoting such diversity is to remove all restrictions on pay TV other than those falling within the framework of existing laws governing radio-TV communication." The motion passed as restated.

6. Federal Aid to Education Bill. Mr. Pemberton presented for the Board's information the testimony of the ACLU prepared for presentation before the Subcommittee of General Education of the House Committee on Education and Labor in consideration of H.R. 2362, and pointed out that the ACLU is one of the few groups voicing opposition to the proposed bill on constitutional grounds. Mr. Maslow suggested that the Board reaffirm its position on free textbooks and also urged speed in deciding the Union's position on shared time. It is very important, he emphasized, to get this issue into the public press and compared the present situation to the one of the Becker amendment which also began

with a great deal of support and little opposition, but which - with a program of public information - was finally defeated. Mr. Pemberton stated that, in his opinion, the shared time debate now occurring within the Union was far too important for the advantages of affiliate and membership participation to be sacrificed by a precipitate Board resolution of the issue. This was especially so because the patterns of practice in this area were likely to be as much determined by decisions of local boards of education as by the provisions of an act of Congress and affiliate implementation of ACLU policy would be essential to the protection of civil liberties interests. He did suggest, however, three positions put forth in the Union's testimony on the pending bill that represented staff application or extension of previous positions of the Board and invited Board modification or approval of them. They were:

1. That no part of the authority and responsibility for administering public funds, property or services ... should vest in persons or agencies not solely responsible to the public for their exercise of such authority and responsibility.

2. That no instruction or equipment provided by public funds should take place or be installed in a building or location owned by a religious body or an institution devoted to sectarian instruction.

3. That status as a taxpayer should, by legislation, be made to afford a plaintiff standing to challenge acts and expenditure of the federal government as being in violation of the First Amendment.

After discussion, all three of these positions were adopted by the Board.

The meeting was adjourned.

February 15, 1965 Revision

MEMORANDUM
From : Illinois Division, ACLU, Board of Directors
To: National Board of Directors
Re: Capital Punishment

It is the recommendation of the Illinois Division, Board of Directors, to the National Board of ACLU:

1. That the Union take the position that capital punishment is a civil liberties issue and

2. That the Union adopt a resolution opposing capital punishment and calling for its abolition in the United States.

Capital punishment must be examined not as if it were one among many punishments society chooses to impose upon its offenders but rather as one awful in contemplation and irrevocable in result. Indeed, it is this special factor of irrevocability that immediately sets it apart from all others and it is in light of this fact that all arguments here presented must be weighed.

Before stating the reasons for the foregoing recommendation let us state first, that many of the arguments advanced in favor of abolition of the death penalty are not presented as civil liberties arguments and thus appear to fall without the traditional scope of ACLU concern. Thus, for example, it is frequently argued that capital punishment is inherently wrongful or that it is a violation of our common Judaic-Christian ethic. Many contend that the State should in all instances be deprived of the power to take human life. Others argue that the death penalty has a deleterious effect on the administration of justice, that it is a perversion of the rehabilitative goals of our penal system, that it imposes a particularly cruel form of punishment, that it is a brutalizing factor in society, and that society can be adequately protected by imprisonment of the offender without resort to the supreme penalty. Another argument of force is that there is no demonstratable good to society resulting from the taking of life. It is an unproved assertion that cpaital punishment deters would be murderers, and in fact, there is substantial evidence that it has no deterrent effect. Yet, we are not willing to say that these arguments necessarily fall without the orbit of constitutional claim. An evolving society, one which has become more keenly aware of the manifold complexity of crime and punishment may well delcare constitutional abhorrent practices which appear today to be without the Constitution's sweep.

The arguments here advanced are made with full awareness of the fact that the death penalty appears to be sanctioned by the Constitution. It appears that the death penalty is a penalty contemplated by the Constitution which may be imposed provided constitutional standards are met. Both the Fifth Amendment applicable generally to the federal government and the Fourteenth Amendment applicable to the states, provide that no person shall be deprived of"life, liberty or property without due process of law". One might infer that if an individual <u>is</u> accorded due process he <u>may</u> be deprived of life. True, there is the prohibition against "cruel and unusual punishment" contained in the Eighth Amendment applicable generally to the federal government and perhaps to the states. There is also a restriction on state action which is part of the Fourteenth Amendment prohibiting a denial to any person of "the equal protection of the law". Since the Eighth Amendment was adopted at the same time as the Fifth, it amy prove a problem to argue that a punishment which appears to be specifically contemplated by the Fifth is outlawed by the Eighth. Similarly since the due process clause and equal protection clause applicable to the states are both part of the Fourteenth Amendment, it may prove a problem to argue that a punishment specifically contemplated by one portion of the Fourteenth Amendment is barred by another portion of the same amendment. It may be of course that constitutional law will take a turn such that it may be possible to argue with success that the death penalty should not be imposed for certain types of crimes for which it is now imposed by some states, or that it may be otherwise restricted. If such opportunities develop they should, of course, be seized upon by ACLU. Yet we should not write off the hope that constitutional law will take a turn hostile to the death penalty. The arguments here advanced, however, do not require ACLU to leap far beyond existing precedent.

The grounds we wish to advance for the position stated at the outset of this memorandum grows out of an examination of captial cases in Illinois from 1950 to 1963. While we cite Illinois cases and Illinois law, we do not believe that our argument necessarily suffered from lack of generality on this account. So far as we are aware, Illinois law is solidly within the main stream of the common law and it is unlikely that Illinois experience with capital punishment differs significantly from experience elsewhere in the United States.

We advance two arguments and they are interrelated. The first may be stated as follows: The realities of criminal law and procedure are such that a human being should not be deprived of life through their processes. Such a statement may seem strange to some. For centuries, Anglo-American law has prided itself upon its concern for the rights of those accused of crime. They are customed to the long list of constitutional guarantees for those accused of crimes embodied not only in the federal Constitution but in the constitutions of our states as well. We have a requirement for indictment by a grand jury; the right to trial by jury, the right to counsel, the right to a speedy and public trial, the right to be informed of the nature and cause of the accusation, the right to be confronted with witnesses against him, the right to compulsory process for obtaining witnesses in his favor and other rights won after centuries of struggle and now jealously guarded, both in England where they have their origin, and in the United States.

Yet those familiar with the processes of criminal law and those who have looked into the cases of those sentenced to death in Illinois in recent years can scarcely feel easy.

From 1950 through 1963, Illinois executed 10 men, 1 man died in prison after affirmation of his death sentence and the fate of six men sentenced to death in this period has not yet been determined.

We shall look at the criminal process generally and shall consider individually some of the seventeen cases just mentioned.

First: The death penalty is too often not a punishment for muder but for refusing to plead guilty to murder.

At the outset we must inquire as to the manner in which candidates for the death penalty are initially selected. This task falls initially to the State's Attorney or in the populous counties where there is a large volume of business, perhaps to an assistant state's attorney. This task is not a mechanical one. Homicide is no simple matter. Illinois recognizes the crimes of murder, voluntary manslaughter, involuntary manslaughter and reckless homicide. In a close case, the prosecution may seek an indictment for voluntary manslaughter rather than murder. This is a decision of fundamental importance for the defendant because it means that his life will not be in jeopardy and if he is convicted he will not face a mandatory minimum 14 year sentence. If this decision were made solely on the basis of the state's attorneys judgment as to the nature of the crime we might accept it as inescapable. But there is another aspect to the matter which merits attention. The prosecutor's decision as to the indictment he will seek may depend not only as to his view of the crime but may be dictated also by the strength of his case. But the decision depends not only on the crime, but also on the strength of the evidence available. Two men may commit substantially the same crime. But as to one, the chief witness has a good reputation, while as to the other, a poor reputation. If the facts warrant, the prosecution may seek death for one and only prison for the other because he thinks it may be possible to secure such a punishment but not a death sentence in the latter case. This result follows, not because of the crime, but because of the reputation of the person who saw the crime.

These considerations lead to another aspect of the criminal process which goes virtually unmentioned in motion pictures and T.V. portrayals and indeed have not received a great deal of attention in the literature on capital punishment. That subject is the negotiating process frequently carried on between the prosecution and the defense. Both the prosecution and the defense can and do take these negotiations seriously for the stakes are high. When they are "successful" they mean generally that there will be a plea of guilty by the defendant and a recommendation by the prosecution to the court of a previously agreed upon sentence. The defendant must view these negotiations "realistically". The defense cannot know exactly what the Prosecutor's evidence is and rarely does it know precisely the strengths or the weaknessess of the prosecution's case. Consequently the defense must enter these negotiations lacking full knowledge of all facts necessary for making an immediate decision. It is true, also that the prosecution generally lacks full knowledge of the case of the defense. Moreover, even if we had a discovery process in criminal proceedings similar to that in civil proceedings, whereby both prosecution and defense would be fully apprised of the other's case, neither would be in a position to predict with precision the outcome of the trial. Neither the prosecution nor the defense would be able to guess in advance exactly what impact each witness will make upon the court and the jury. The weight to be given the various bits and pieces of evidence by the court and jury remains unknown as does the impact that the entire case will have upon the triers of fact. Then too, there are frequently issues of law which are in doubt, e.g. whether certain evidence will be suppressed, whether a witness is competent to testify etc. Overhanging all is the knowledge that the prosecution, no matter how strong it believes its case to be, may lose, and the defense must recognize that no matter how strong it believes its case to be, it too may lose.

Upon an indictment for murder all of the factors mentioned above must come into play in accentuated form for life itself is the stake.

For the defendant to make a "rational" decison when he bargains with the prosecution, the issue is not whether he is in fact "innocent" or "guilty" but rather what is the probability that he will be found guilty or not guilty. Thus, the innocent defendant cannot afford to dismiss the negotiating process without taking a cold and calculating look at the strength and weakness of his case as it will be viewed by the court and jury. The defendant who is "guilty" must do the same. And so must the defendant who knows not whether he is "innocent" or "guilty". Thus suppose we have a case where the defense may or may not have a defense of mental incompetency. The defendant may be called upon to make a crucial decision even though he may be woefully ill-equipped to decide the crucial issues before him.

Where more than one individual is accused of a crime special circumstances come into play. It is a common practice for the prosecution to offer one of the prospective defendants the prospect of leniency provided he will testify against other individuals involved in the crime.

Nor should we over look the frequently untrustworthy character of the evidence thus to be offered by the prosecution. The one who turns state's evidence does so in order to obtain the best possible deal for himself and to obtain the best possible deal has every incentive to do all he can to cast the onuse of guilt as heavily as possible upon his erstwhile alleged colleague and to shed as much as he can from his own shoulders.

We come to an important consequence of the forgoing: almost every defendant indicted for murder has it within his power to save himself from the electric chair by making a deal with the prosecution. If he will plead guilty the prosecution will recommend an agreed upon sentence to the court. Indeed, so far as we know, there has only been a single case in the State of Illinois where

a defendant entered a plea of guilty to murder and then received the death penalty. (See People v. George Wilson, 29 Ill. 2d 82, 193 N.E. 2d, 449 (1963) (Wilson's case is still pending in the Courts)

Thus we may sum up our observations upon the negotiatory process as follows: frequently a defendant must choose between going to trial on a plea of not guilty or entering a plea of guilty. If he goes to trial he may be acquitted, found guilty of a lesser offense or convicted and sentenced to death, or to a lengthy term of imprisonment. If he elects to enter a plea of guilty he will know generally in advance what sentence the prosecution will recommend to the court and under law now in force he will know that no matter for what term he is sent to prison he will be eligible for parole (although not necessarily paroled) after he has served 20 years less time off for good behaviour, that is, he will be eligible for parole after a little over 11 years.

2. Adventitious circumstances Sometimes send men to their death. Sometimes it happens that what is essentially a single criminal act will give rise to several violations of the criminal code for which the defendant could be indicted, tried and convicted on several counts resulting in an exceptionally long prison sentence. Another kind of anti-social behavior, basically no more serious may be denounced under only a single section of the criminal code so that the possible maximum sentence which the defendant faces is substantially less than in the first case. The first set of circumstances grant to the prosecution a substantial advantage in the negotiations with the defense even though there is no real difference in the nature or character of the anti-social conduct charged to the defendant. Again, there are cases where anti-social conduct can be viewed as a violation of section A of the criminal code, or of another section of the criminal code, B, carrying a substantially less penalty. Sometimes Section B will represent a "lesser included offense" under A. Thus, for example, the offense of voluntary manslaughter is a lesser included offense under murder. If the facts appear to fit within the framework of a lesser included offense this circumstance may be of help to the prosecution and defense in agreeing upon the offense to which the defendant will plead guilty. Consider the case of Vincent Ciucci (See Ciucci v. Illinois, 356 U. S. 571 (1958)). The state alleged that Ciucci shot his wife and three children and then set their home on fire in order to make their deaths appear as if caused by the blaze. The motive was to enable Cuicci to marry a girl named, by Fate's irony, Carol Amora. The State elected not to try Ciucci for all four murders simultaneously Instead he was first tried for the murder of his wife for which he received a sentence of twenty years. He was then tried for the murder of one child for which he received a sentence of forty-five years. Not until he was tried for the murder of the second child did he receive the death penalty, the goal sought at the beginning by the State. If the State had not succeeded on the third trial, no doubt Ciucci would have been tried again for the murder of the third child with the hope that in the fourth trial he would receive the death penalty. The Supreme Court of the United States was asked to consider the constitutionality of subjecting Ciucci to this series of trials. In a five to four decision, the court declared that under Illinois law each murder was a separate crime for which the accused constitutionally could be indicted and tried separately. Ultimately Ciucci was executed. It can hardly be denied (assuming Ciucci's guilt) that Ciucci had formulated a single plan to murder all four persons. Because under Illinois law the murders represented four separate crimes it was therefor possible to try him separately for each murder, thus giving the state four opportunities rather than one opportunity to obtain the goal it sought.

The Ciucci case is important in another aspect: Ciucci claimed that the State had widely proclaimed its decision to continue to try him until a jury was obtained which would impose the death sentence. Therefor, he claimed, by the time of the third trial the jury chosen to try him had been subjected to a barrage of unfavorable prosecutor engendered newspaper publicity which made it impossible for him to have a fair trial. The Supreme Court permitted Ciucci to

institute appropriate proceedings in the state court for resolution of this claim. The matter ultimately reached the Supreme Court of Illinois which held that this was an issue which could have been raised at Ciucci's trial and since it had not been asserted at that time, it was waived. The conviction was therefore reaffirmed, and on this occasion, when review was sought in the Supreme Court of the United States, certiorari was denied.

Undoubtedly it is a sound and necessary rule that a defendant must raise his defenses at the time of his trial or be deemed to have waived them. Clearly we cannot tolerate a situation where a defendant holds back his defenses and thus may insist upon an indefinite series of trials. Yet it is conceivable that had this defense been raised at the trial the result might have been otherwise. It seems to us that we can rest more easily if we know that this rule results at most in a sentence to imprisonment rather than depriving the defendant of his life.

Consider another aspect of the problem. A criminal trial is a search for the truth but it is a stylized search for the truth. It is a search for the truth conducted pursuant to a formal set of rules which in theory at least apply with equal force to the prosecution and the defense. In the generality of cases these rules operate to secure, in so far as possible, reliable, trustworthy evidence. But the very rule that operates to the advantage of Defendant A can work to the disadvantage of Defendant B, and if Defendant B is on trial for his life it is no doubt small consolation for him to know that the rule which in the majority of cases protects the innocent, in his case has the effect of sending him to his death. Let us illustrate. As a general rule heresay evidence is inadmissible. Hence if the defense has evidence which it regards as crucial, such evidence must be presented by means of a witness who has personal knowledge of the facts and who therefore can be subjected to cross-examination. But let us suppose that in a particular case the defense is an alibi (in the technical rather than in the derogatory sense) and the alibi witness is a bishop with whom the defendant was playing a game of chess on the night of the murder. Suppse that the bishop dies before the trial. What happens then to the defense? If the defense is an alibi and if the alibi witness is a bishop and if the bishop lives to testify at the trial, he doubtless will be believed and the defendant may well be acquitted. If, however, the defendant is so unwise as to play the very same game of chess with a friend who has served time in the penitentiary, that witness's credibility can be impeached and no doubt the defense alibi will fail. It is for reasons such as these that we insist that the question of capital punishment cannot be viewed in the abstract. Much may depend upon whether the crucial evidence has been preserved and whether it is still available to counsel for the defense. This in turn may depend upon how soon after the crime counsel was obtained or it may depend upon sheer matters of chance. Thus we see that in the fairest of trials fortune plays a large role, favoring now the prosecution and now the defense. Given the most skilled and diligent attorney, the most learned and fairest of judges, the most able of juries, the outcome of a criminal trial may none the less be determined by the fall of chance. We said earlier in this memorandum that to speak of judicial error was to oversimplify the problem. We think that the fore oing explains the reason for this statement.

3. The Defense is Seriously Handicapped by lack of pre-trial discovery in criminal trial.

In civil litigation the parties have full opportunity to explore, in advance of trial the opposing party's case. Through pre-trial depositions and discovery, one may examine witnesses under oath, inspect documents and in general, be protected against surprise at trial. In the main, these protections are inapplicable in criminal trials. In Illinois, the defendant is informed of the witnesses who may be called, but has no way to compel them to reveal in advance what their testimoney may be. True, there is a growing body of law requiring the prosecution not to suppress evidence favorable to the accused. But unless the

defendant learns of the suppressed evidence by fortuitious events, these rules do not help him. In the case of Lloyd Miller, mentioned below, the lack of such discovery procedures nearly led to the execution of a man, even though the State had in its files its own expert's statement containing facts highly inconsistent with guilt.

4. In the battle, the State has a full range of technical and scientific resources. The defendant is granted no such assistance. Frequently he must depend on volunteer counsel, working free and even paying all or part of the expenses.

Few Susannas of today are saved by the perspicacity of their Daniels. She was wrongfully accused of adultery by the elders who had spied upon her while she was bathing in her garden. According to the Revised Standard Version, (v. 41), the assembly believed (the elders) because they were elders of the people and judges, and they condemned her to death." But Daniel, as she was being led to execution, insisted upon cross-examining the elders while they were separated from each other. One claimed the act was committed under a mastic tree, the other under an evergreen oak. "Thus innocent blood was saved that day." (v. 62).

Today skilled cross examination is rarely enough. It takes not only skilled counsel, but also a corps of pathologists, chemists, physicians and other experts if a crime is to be thoroughly explained and a full defense presented. Yet the State provides none of this for the accused. Whatever defense may be advanced in a criminal trial the fact is that the defense does not prepare itself. The facts must be dug out by a difficult and laborous process by counsel. Yet the life of the defendant in a shocking number of cases depends upon the volunteer assistance of unpaid counsel. Many of the defendants are penniless. They are locked in prison. Many owe their lives to members of the bar of this state who take it upon themselves to exhaust every legal resource to aid these men. In some some of these cases counsel have not only have served without fee but also have expended a substantial sum of their own. Thus in the case of Richard Carpenter,[1] counsel spent over $1,500.00 in a futile effort to save his life. The life of Paul Crump[2] was saved because Crump was lodged in the Cook County Jail in Chicago whose warden Jack Johnson had abolished death row and permitted capital prisoners to participate generally in prison life. Because of this, and the years that elapsed in the courts, counsel were able to argue successfully that Crump had been rehabilitated. But for this circumstance and the extraordinary efforts of energetic counsel there is little question that Crump would have been executed.

In the case of Lloyd Eldon Miller, Jr.[3], years after the conviction, the chief witness against him admitted she committed perjury. Further, at a clemency hearing, it was established that the prosecution had discouraged witnesses from talking to the defense before trial and that the prosecution had concealed evidence inconsistent with guilt. These facts were divulged only through the efforts of a large corps of volunteer counsel, backed by the funds and advice of another attorney who did not participate in court. Seven hours before the execution a stay was obtained in the Federal courts. Miller's attorneys were fortunate to secure the volunteer services of a chemist who devoted hours to the study of the evidence. During a subsequent trial, this chemist established that a pair of shorts, a crucial piece of prosecution's evidence supposedly blood stained, was actually stained with paint.

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1. See People vs. Carpenter, 11 Ill. 2d 60, 142 NE 2d 11 (1957)

2. See for one of the numerous opinions. U. S. ex rel Crump v. Sain, 295 F2d 699 (C. A. 7th 1961).

3. See United States ex rel Miller v. Pate, 226 F. Supp. 541 (1963) now on appeal by the State to the Seventh Circuit Court of Appeals.

5. The extensive appellate procedures are largely confined to questions of law. On disputed fact questions, the findings of a single judge or jury in general are decisive.

Another aspect of the criminal process that is ill understood by non-lawyers is the significant and sometimes crucial role of the jury (or the findings of the court in cases which are not tried before a jury.) On the crucial question of guilt or innocence the findings of the jury may well be determinative. All else, including appellate proceedings and habeas corpus actions in the federal court may prove to be commentary. It is a common but mistaken view of non-lawyers, accustomed to hear of the numerous reviews received by capital prisoners to think that each court has before it the crucial question of guilt or innocence and is free to determine for itself where truth lies. Every lawyer knows such is far from the truth. In general, only questions of law may be reviewed in the appellate courts, e.g. questions such as whether a witness was competent to testify, whether certain evidence was properly admitted, whether the instructions to the jury were correct, etc. Of course, constitutional questions are open for review. But as to a significant range of questions, e. g. whether a witness should or should not have been believed, whether the fatal weapon was or was not the defendant's, it is the verdict of the jury which controls. It is only in exceptional cases that it is possible to overcome the verdict of the jury with respect to questions of fact. The case of Charles Townsend (See Townsend v. Sain, 372 U.S. 293 (1963)) will serve to illustrate our point. We are reluctant to discuss individual cases in detail but we feel that only by so doing can we convey to the non-lawyer the full scope of the point we are trying to make. Townsend was convicted of murder and sentenced to death by the Criminal Court of Cook County. The conviction was affirmed by the Supreme Court of Illinois despite the fact that an expert witness for the prosecution testified that he was a near mental defective and "just a little above moron". Townsend was arrested one evening and soon began to suffer withdrawal symptoms. A prison physician administered scopolamine, a drug commonly known as "truth serum". Within an hour and a half after the administration of this drug Townsend confessed to four murders and two robberies. He was tried for one murder and acquitted. He was then tried for the second murder and sentenced to death. The evidence of his guilt, apart from the confession, was simply that one Campbell testified that about the middle of December (the murder took place on December 18, 1953) he saw Townsend walking down the street in the vicinity of the murder with a brick in his hand. A pathologist testified that death was caused by a severe blow to the head of the deceased. The Supreme Court of Illinois affirmed the conviction despite the fact that it characterized the evidence as meager. Two dissenting justices declared the testimony inherently incredible. Townsend through Counsel serving without fee, then sought relief in the federal court charging that the state suppressed the fact that the drug scopolamine which its witnesses referred to as hyoscine was known as truth serum. The petition was summarily dismissed in the Federal District Court and the dismissal affirmed by the Court of Appeals. The Supreme Court reversed, directing a preliminary hearing as to whether a full hearing on the merits should be held. The District Court again dismissed the petition. Again the Court of Appeals affirmed, the Supreme Court granted certiorari, the case was argued twice, and by a five to four decision the Supreme Court directed that the District Court give Townsend a full hearing. The case was remanded to the District Court, a full hearing was held and on this occasion the court held that he had been erroneously convicted and in effect ordered a new trial. The state appealed to the Court of Appeals which reversed the decision of the District Court, thus in effect permitting the conviction to stand. The Court of Appeals held in essence that issues raised by Townsend to the Federal Courts were or could have been considered at the time of his trial "The failure of the defendant to bring them to the jury's attention is a mere tactical mistake on his part and does not give rise to the constitutional claim cognizable in habeas corpus proceedings".[1] On January 18, 1965

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1. United States ex tel Townsend v. Ogilvie, 334 F 2d 837, 841 (1964).

the Supreme Court of the United States denied certiorari. The State of Illinois is now free to execute Charles Townsend. Thus we see that despite years of effort, it has proved impossible, ultimately, to set aside the initial jury determination that the confession was voluntary and not induced by the administration of the drug. This, despite the fact that the chief surgeon for the Chicago Police Department testified in the Federal District Court that an injection of hyoscine (which is a narcotic) makes a person giddy, induces sleep and the person is not responsible for what he says.

We do not question the fact that disputed questions of fact must be resolved. Even close questions must be resolved, one way or the other. But if we assume that in the close case, society is entitled to protection against a man deemed a murderer does it follow that we must deprive that man of his life? We think not. In past years, with unconscious irony, but in light of what we have said, not without justification, the Government used to classify those executed among the accidental deaths.[1]

Some may answer to the arguments here advanced that the remedy is not the abolition of capital punishment - or that the remedy for which ACLU should work is not the abolition of capital punishment - but rather the abolition of the specific evils here complained of. To seek such a solution is to seek a chimera. We have seen already in the cases of Vincent Ciucci, Charles Townsend and Lloyd Eldon Miller, Jr. practices upheld by the courts and rules of law accepted by the courts as constitutionsl which to us at least seemed clearly wrong. We cannot hope in the foreseeable future to reshape the criminal law and criminal practices. It follows therefore it seems to us that the proper solution is the abolition of the death penalty.

We turn now to our second ground for stating that capital punishment is a civil liberties question:

Every trial for murder requires a determination on the subjective mental state of the accused, sometimes as to several issues. We know so little of the service (or art) of making such determination that life should not stand forfeit through them. We can protect society adequately through imprisonment. There is a double aspect to a trial for murder. For want of better terms we shall refer to them as the objective and the subjective aspects. The objective aspect we may dispose of quickly. The question there is whether the defendant was responsible for the death of the deceased. Was he the man who fired the fatal shot, or who inflicted the fatal stab wound? But not everyone responsible for the death of a human being is guilty of murder. Under the law of Illinois, which represents a rephrasing of the traditional common law concepts, one is guilty of murder who kills an individual without lawful justification if either he intends to kill or do great bodily harm, or knows that such acts will cause death to that individual or another. This is not all of the definition but for our purposes the foregoing will suffice. Significantly, our law for generations has recognized three major types of homicide: murder, voluntary manslaughter and involuntary manslaughter. Voluntary manslaughter is the killing under a sudden and intense passion resulting from serious provocation. Involuntary manslaughter is killing where one acts in such a manner as is likely to cause death or great bodily harm to an individual and the acts are performed recklessly. Let us illustrate briefly the kinds of problems that arise.

1. See Statistical Abstract of the United States, 1951, Table 74, p. 69, footnote 12 for 1900, 1910 and 1920.

Let us consider the voluntary manslaughter requirement of a "sudden and intense passion resulting from serious provocation". The classic case, of course, is that of the husband who surprises his wife in the very act of adultery. No doubt he will be adjudged guilty of voluntary manslaughter and not murder if indeed he does not escape conviction altogether. If convicted of voluntary manslaughter the maximum penalty is from one to 20 years. If, however, he is convicted of murder, then the punishment may be death or improisonment for an indeterminate term with a minimum of not less than 14 years.

Few wives are indiscreet enough to be caught in the very act, and therefore the cases which arise frequently involve surprise during conduct of a less serious nature. Let us consider a case which went to the Supreme Court of the United States, Alcorta v. Texas, 355 U. S. 28 (1957). Alcorta came upon his wife one evening in a parked car embracing Castilleja. Alcorta put Castilleja forever beyond his wife's embraces. The case came up under the law of Texas, but suppose it had come up under the law of Illinois. Did Alcorta commit voluntary manslaughter or murder? Much depends upon the answer. No one can doubt that Alcorta suffered a sudden and intense passion. The question is whether it resulted from serious provocation. The Illinois statute is ready to help us in our difficulty with a definition of "serious provocation". Serious provocation is "conduct sufficient to excite an intense passion in a reasonable person". Hence the question before the court of jury would be [1] whether the conduct of Mrs. Alcorta and Castilleja was sufficient to excite an intense passion in a reasonable person.

Here again we are not creating artificial situations for family disputes and tiffs among lovers form a sizeable portion of all homicide cases, and it is in the family disputes and lovers quarrels that issues of this character are likely to arise. In resolving questions of this character we must remember that much depends upon the social group within which the parties moved. Conduct which in one society might be regarded as wanton in another could be viewed merely as customary social greeting.

Let us return to the case of Alcorta. There is another element not yet mentioned: at the trial Alcorta testified that he has reason to believe that his wife had been intimate with Castilleja. Such testimony of course injects a whole new area of inquiry into the case. How "reasonable" were Alcorta's suspicions? In the actual case it turned out that Castilleja had informed the prosecution that he had in fact been intimate with Mrs. Alcorta and accordingly Alcorta's suspicions were well founded. This fact was not presented to the court and jury and indeed Castilleja denied having any more than a casual relation with Mrs. Alcorta. Because of this act of deception Alcorta's conviction was upset in the Supreme Court.

Here we see that the jury was asked not to make a determination of an objective act but rather to make a determination of a man's state of mind. We have picked at random only a single state of mind determination to be made by a jury. In fact, depending upon the circumstances of the particular case, state of mind issues may arise in a myriad of forms. Suppse, for example, that the defense is justification, that is, the defense says that the defendant really believed that force was necessary to defend himself against another's imminent use of unlawful force. What is a "reasonable belief" is a question which frequently arises in murders resulting from tavern brawls. Suppse the deceased put his hand in his pocket and the accused testifies that he stabbed the deceased because he thought the deceased was about to pull a gun on him. Suppose the deceased in fact had a

1. And was under Texas law essentially the same.

gun in his pockets? Suppose the deceased in fact did not have a gun in his pocket?

The question of the voluntary character of a confession, of course, is a state of mind issue. Here a jury is asked to judge in the quiet of a court room the effect of a given interrogation upon a man whom they do not know, they learn of him as a person only through the test mony of partisan witnesses, given under the stress of trial relating to events which almost invariably are hotly disputed. Similarly where the defense is mental illness or mental defect we have a state of mind issue. It seems scarcely necessary to belabor this point. Illinois, in its new crminal code in basic essentials has adhered to the M'Naughten rules first formulated in 1843. The question of the competency of the accused to stand trial is a state of mind issue. Again, under Illinois law, under some circumstances, intoxication or the use of narcotics may render a person incapable of forming the intent which is an element of an offense.

We do not wish to rule out state of mind determinations in criminal trials. There is a difference recognized by the law and recognized by mankind generally between a homicide committed, as the law used to say, "with malice aforethought" and a homicide committed innocently or negligently or even recklessly. Surely different punishments are in order for these various crimes. We do not dispute this fact. But we do say, however: questions of human motivation, responsibility, ability to withstand interrogation, effects of narcotics and alcohol upon the human system, etc. are matters of extraordinary complexity. Medicine generally, and psychiatry in particular, has been able to supply only a feeble light in some areas of these problems. We can, it seems to us, in good conscience reconcile ourselves to the necessity for the resolution of these questions as best they cen be resolved by a court or by a jury. Such resolution is ncessary as part of the price of human society. But we are tragically in error when we rest decisions of life and death upon these fallible judgments. We exact a price from the individual which society does not need for its protection.

For the reasons advanced above it seems to us that the question of capital punishment is a civil liberties issue with which ACLU ought to be concerned. We recommend further that ACLU work for the abolition of the death penalty.

WORKING PAPER, NOT FOR PUBLIC DISTRIBUTION

February 17, 1965

To: The Board

From: Free Speech/Association Committee

Re: Recommendation on Rejection of Non-commerical Advertising

Factual Background:

During recent years, a number of incidents have been reported to the national ACLU office in which non-commercial advertising was rejected by newspapers, magazines and other communications media having advertising space or time for sale. These incidents included: the refusal of two major newspapers in Columbus, Ohio to accept advertisements dealing with world peace and the Cuban situation from a group of local organizations; the refusal of the Saturday Review to accept a classified advertisement from an organization of male homosexuals; and the refusal of the Philadelphia Transportation Company to accept car card advertisements from Women's Strike for Peace. Undoubtedly there have been other unreported incidents of a similar nature.

The cases dealing with such situations have generally held that the freedom of the press guaranteed by the First Amendment includes the publishers' right to be free from compulsion to accept advertising. This has also been the position of the ACLU in the past.

Recommended Policy Statement:

The ultimate purpose of the freedom of speech provision of the First Amendment is to promote the public circulation of diverse thought on political and social issues. In simpler times than our own, it was possible to reach the public with such thought by methods which are relatively ineffective in our complex society. Thus, the speech on a street corner or in a public park and the printed pamphlet or handbill reach a very small portion of the public and are too often regarded as the province of the "lunatic fringe." Today's market place of ideas is found for the most part in books, magazines, newspapers, radio and television. The idea which is denied access to this market place is unlikely to be given serious consideration by any substantial part of the public.

A significant method by which individuals and organizations can gain access to the public is the purchase of advertising space or time from newspapers, magazines, radio and television stations, and other important advertising media. The American Civil Liberties Union encourages those who control such space or time in mass communications for generalized audiences to recognize an obligation to allow all points of view to be expressed through their facilities, although that obligation may be different for those who control media appealing to specialized audiences such as labor unions and religious groups. The public interest in freedom of speech would be well served if communications media were publicly to declare and adhere to an "open" policy with respect to acceptance of non-commercial advertising. For this purpose non-commercial advertising may be defined as advertising which expresses opinion or recommends action on political or social issues as distinguished from commercial advertising which offers goods and services for sale. Non-commercial advertising does not lose its character as such because it solicits contributions to, or membership in, a nonprofit organization concerned with political or social issues. Advertisements for informational and cultural works such as books, newspapers, magazines, and motion pictures, should be treated substantially as non-commercial advertising, since these items, even though they are advertised for sale, may themselves be the means of exposing controversial viewpoints to the public. Of course, the publisher or radio-TV station owner is entitled to require compliance with existing law and with reasonable non-discriminatory regulations applied to all who seek to advertise through his facilities.

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

February 18, 1965

To: The Board

From: The Office

Re: ACLU of Michigan's Comment on Unfinished Portions of Board Discussion Re Church-Related Institutions of Higher Learning

Sections of the ACLU of Michigan statement pertaining to the first page and one half of the Church-State Committee's majority report of June 1, 1963 were reported to the Board at the February 15 meeting. The following represents the ACLU of Michigan's statement and comment concerning the uncompleted items of the majority report which will be before the Board on March 1.

B3. There is no objection, from a civil liberties point of view, to scholarships and fellowships to students attending accredited colleges or universities of their choice, including sectarian institutions, provided that the scholarships or fellowships

a) Are awarded in public competition on the basis of academic ability, scholarly achievement, or professional aptitude (but not to include attendance at a seminary or divinity school), or

b) Are granted in reward for specified services to the country which may have affected the recipient's educational opportunities.

B4. There is no objection, from a civil liberties point of view, to public loans to aid qualified students to attend accredited colleges or universities for scholarly or professional purposes (but not to include attendance at a seminary or divinity school) provided the loans are based on academic ability, scholarly achievement or professional aptitude. There is, similarly, no objection to tax deductions for the educational expenses of such students.

B5. There is no objection, from a civil liberties point of view, to tax exemption on properties or income where the income of property is used for non-religious educational purposes.

Comment

[There] was close division on the question of whether or not there was any objection, from a civil liberties point of view, to "tax exemption on properties or income where the income or property are used for non-religious educational purposes." The position of the [National Church-State Committee] majority on that occasion, i.e., that there can be no such objection, is a little difficult to square with the position taken at a different meeting by a different majority on the general subject of tax exemption for church-related institutions.

American Civil Liberties Union

156 FIFTH AVENUE, NEW YORK 10, N. Y. • ORegon 5-5990

February 18, 1965

To: Board of Directors

From: Gordon K. Haskell

Subject: Recommendations of the Steering Committee of the National Development Council at its meeting February 12, 1965.

Recommendations of the Steering Committee requiring Board action at this time were as follows:

(1) Louisiana. The Louisiana Civil Liberties Union has been under legal attack through indictment of some of its leading attorneys under the state anti-subversive law and has been exposed to intense harrassment because of its vigorous litigation program.

In the face of a highly explosive civil rights situation expected through the rest of the year, the LCLU finds itself hampered by the defection of some cooperating attorneys. Despite these factors, they are carrying a heavy load of litigation, of across-the-board ACLU concerns. The Steering Committee voted to recommend to the Board that a grant of $15,600 be made to the Louisiana affiliate from the Vigilance Fund for 1965. The Steering Committee regards this as an integral part of the ACLU's whole program of defense of civil liberties in the South and recommends that an alternate method of financing the Louisiana affiliate in 1966 be a major concern of the National Development Council at its Plenary Meeting in June.

(2) Equipment Loans. The Steering Committee recommends that equipment loans totaling $19,400 be made to the National ACLU from the Vigilance Fund to be repaid over a five-year period.

At the same time, the Committee turned down requests from affiliates for small loans for the same purpose (under $1,000 each), and recommends that the national organization seek to establish a revolving fund of $2,500 to be used for two year loans to affiliates for capital equipment purchases.

Results of 44 Ballots Cast by Members of
Champaign County Chapter, Illinois
2/18/65 on

SHARED TIME ISSUE

You are invited to use this sheet to indicate your views on this issue at the conclusion of the discussion, for the purpose of a chapter report to the national and regional offices on membership opinion. Encircle "yes" or "no."

(20) Y	(22) N	1. Should ACLU oppose all shared time programs?
(33) Y	(7) N	2. Should ACLU state a position regarding constitutionality of shared time?
(18) Y	(21) N	3. Should ACLU accept shared time programs and focus its efforts on preventing abuses?
(19) Y	(22) N	4. Do you think it should be possible to avoid or control major abuses of a shared time program?
(20) Y	(20) N	5. Are abuses so serious and inevitable as to require total opposition to shared time?
(30) Y	(12) N	6. Should ACLU concern itself with the public policy aspects of this issue, in addition to the civil liberties aspects?
(24) Y	(18) N	7. Do you think shared time would inevitably weaken the public school system?

NEW YORK CIVIL LIBERTIES UNION
156 Fifth Avenue
New York, New York 10010

STATEMENT ADOPTED BY THE
NYCLU BOARD, FEBRUARY 16, 1965
ON "SHARED TIME"

The NYCLU finds the following features of "shared time" proposals objectionable on constitutional grounds when schools sponsored by religious institutions are included in the plan.

(1) The provision of laboratories, equipment, classrooms, and other facilities at public expense for use by parochial school students is prohibited by the First Amendment.

The defect is the same as that found in the provision of textbooks and other teaching aids to parochial schools at public expense. The fact that the facilities and equipment are used by parochial school students on public property does not alter the relationship so far as the constitutional objection is concerned—and may in fact be more objectionable. While the proponents of shared time argue that the program is one organized to help the student rather than schools (child welfare theory), the pupils are clearly being aided as registered students of the parochial schools.

(2) Shared control of the facilities and programs involved is unconstitutional to the extent that it puts religious authorities in positions of authority in public education.

Shared time necessarily involves shared programs, and such programs would be impossible without joint planning and shared administration. This is recognized, e.g., in the President's message to Congress of January 13, 1965, recommending such programs:

> "Within each community public and private nonprofit schools and agencies will cooperate to devise the plan and administer the programs for these supplementary centers."

Such an arrangement allows the officials of private schools some responsibility for planning and administering public educational projects. Where parochial schools and their officials are involved this aspect of the plan is unconstitutional because it gives partial control of the public schools administration to religious officials. In taking this stand, we are not suggesting that any restrictions should be imposed upon participation by those same individuals as citizens in the affairs of the public schools.

(3) The above features of the plan are essential to it; shared time would not exist without them. The constitutional objections to these features therefore apply to any form the plan may take. There are many additional dangers in the plan, dangers that can be expected to follow from the difficulties of administering a shared-time program. These are not, however, integral or essential parts of the shared-time concept; it is hoped there will not be occasion to call attention to them.

# # #

AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON
2120 Smith Tower
Seattle, Washington 98104
MAin 4-2180

SHARED TIME LETTER - FINAL DRAFT

September 4th., 1964

John J. O'Connell,
Attorney General,
Olympia, Washington

Dear Mr. O'Connell:

As you undoubtedly know, our interest in the fundamental guarantees of the Bill of Rights involves us frequently in the difficult problems of separation of Church and State. Because of this, we herewith offer our comments on the "Shared Time" concept, which is presently before you for an opinion, on the request of State Superintendent of Public Instruction, Louis Bruno.

I. Since no formal plan has been presented, we address this communication to a definition of "Shared Time" which is fairly broad:

> "Shared Time" is a voluntary sharing of the pupil's school day between courses taught in the facilities of the public school and those taught in facilities of a parochial school.

We understand that the purpose and effect of "Shared Time" is to relieve church-supported schools of the financial burden of some of the more expensive courses such as manual training, domestic arts, physical education and physical sciences, which in turn permits them to concentrate on courses which are amenable to being taught with a religious orientation.

II. With this general understanding of "Shared Time" we offer the opinion that such a program in Washington need not violate either the federal or state constitutions.

Relevant to the problems posed by "Shared Time" are three established constitutional criteria:

1. All children may attend public school as a matter of right without regard to race, color, religion or other arbitrary factors: 14th Amendment, equal protection clause; also, by implication, Brown v. Board of Education 349 US 294, (1954).

2. All children may elect to attned private schools run by religious organizations as long as minimum standards set by the state are met. 1st Amendment, free exercise clause; also, Pierce v. Society of Sisters 268 US 510 (1925), (although the holding rests on an improper use of the police power rather than religious freedom).

3. Compulsory school attendance may not be used to require children to attend religious exercises. 1st Amendment, establishment and free exercise clause; Illinois ex rel, McCollum v. Board of Education 333 US 203 (1948) and Zorach v. Clauson 343 US 306 (1951).

Since it is settled that a child or his parents may choose either a public school, regardless of race or religion, or a religiously oriented school meeting minimum state requirements, the issue narrows down to this: Is part time attendance at

each school under a "Shared Time" program unconstitutional?

The United States Supreme Court has never ruled on this question and no decisions of inferior courts have been found. The cases of McCollum and Zorach, supra which deal with the "Released Time" programs are in some ways similar to "Shared Time". Without undertaking a review of the fact patterns in those cases we indicate our agreement with the majority opinion in McCollum. We agree with the minority opinions in Zorach, that coercion was present and relevant and that the court should have found that the practice offended the free exercise clause of the 1st Amendment.

A similar coercive pattern is not necessary for a "Shared Time" program, and indeed, because of the Parochial School tuition to be paid by the parents of participating children, is far less likely.

The "Released Time" cases also involved argument over the applicability of the establishment clause. In McCollum, the court held that there was a clear violation of the establishment prohibition because religious exercises and instructions were held on public school property. With this element absent in Zorach the majority found no violation. The dissenting minority, however, urged that the "Released Time" program was unconstitutional because the state was thereby encouraging attendance at sectarian religious classes, a benefit not obtainable otherwise.

It is obvious that "Shared Time" would be an aid to church-schools. If it were not, there would be no request for the new program. However, there is an additional question to be asked: Is this a benefit which is prohibited under the constitution? As was pointed out in Everson v. Board of Education 330 US 1 (1946), not all benefits to religion are forbidden.. For example, law and order, the 1st Amendment, fire regulations and similar fruits of organized society benefit religion.

The argument that "Shared Time" aids religion may be stated as follows:

> To the extent that the educational function is transferred to the public school, it becomes a public expense and makes available to the church for religious purposes the money previously spent on education.

The greatest savings and benefit possible to a religion would be for it to close its schools entirely, transfer the educational responsibility to the state, and use all resourses for wholly religious purposes. While such a closure might have tidal wave ramifications on public schools, no one could argue that it would be unconstitutional. As long as a child's parents pay taxes without exemption to support the public schools, and as long as it is their right to send their child to parochial schools, a sharing of time between the two systems is that type of benefit to religion which is not forbidden by the establishment clause. To hold otherwise would be to say that the Pierce decision itself is a benefit to religion and therefore unconstitutional.

It has been noted by the State Supreme Court that the Washington Constitution's requirements on separation of church and state are more restrictive than those of any other in the nation. State ex rel Dearle v. Frazier 102 Wash 369 (1918).

Art. I, Section 11 states in part:

> ... No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any

religious establishment.....

This section has an application to expenditures of public money, but could hardly be said to throw any new light on the subtle issue of aid to religion raised by "Shared Time".

Art. IX, Section 4, provides as follows:

> Sectarian Control or Influence Prohibited. All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.

The "Shared Time" concept in its face would seem to violate no part of this standard. Sectarian influence would have to be evaluated once a plan were in operation.

In Perry v. School District 54 Wash 2d 886 (1959), the Washington Supreme Court had a "Released Time" program before it. It found the essence of the plan to be constitutional but struck down various details as violations of both of the provisions cited above. It should follow that this decision points to the constitutionality of "Shared Time" in the abstract but also to a close perusal of the details of any plan which is put into operation.

We find the concept of "Shared Time" to be consistent with the letter and spirit o separation of church and state. We neither recommend nor endorse this concept as a solution to the difficulties posed by the needs of religious education and the stringent requirements of the Bill of Rights.

III. Because "Shared Time" has been seriously proposed in this state, and becau it is being tried extensively elsewhere, we conclude our comments by mention of some difficulties which might arise.

In Zorach, supra, Justice Douglas noted that the school district did no more than adjust its schedules to a program of outside religious instruction, 343 US at 315. From the literature available on "Shared Time" programs presently in existence, i is clear that one of the biggest problems facing such a program is the scheduling of classes. The adjustment of schedules in a "Released Time" situation referred t by Douglas would be a very minor matter compared with the scheduling of classes under "Shared Time" in a modern high school. There would have to be a substantial and sustained communication between the two school systems to acheive the smooth transfer of pupils from one school building to another. Such communication in and of itself is not taboo, and it might have the happy result of breaking down false prejudices and ignorance. It should not, however, be permitted to introduce violations of church-state separation no matter how minor in the course of co-operation. For example, as in Perry, supra, the public school classrooms must not be used as vehicles for recruitment of participants in the program.

School bus transportation cannot legally be afforded to parochial school pupils. Mitchell v. Consolidated School District No. 201 17 Wash 2d 61 (1943), Visser v. Nooksack Valley School District 33 Wash 2d 699 (1949). Under a "Shared Time" program it would seem that if a pupil spends part of the day at the public school and the remainder of the day at the church school, transportation at public expe should be allowed only in the morning incident to the public school attendance a Transportation between schools could probably not be publicly supported.

Since the "Shared Time" proposal is yet untried in this state, the various and subtle ways in which sectarian influence could enter the public school is simply conjecture. The examples given above cannot be exhaustive. The fact that any such plan which is educationally successful necessitates coordination and cooperation between church and state, means that the warning given here is not an idle one. By the same token, the possibility should not be treated as a foregone conclusion.

In summary, we find the "Shared Time" concept to be consistent with strict separation of church and state, but we point to real dangers which could render the application unconstitutional.

Very truly yours,

John M. Darrah, Chairman
Church-State Committee

HARTFORD CHAPTER
AMERICAN CIVIL LIBERTIES UNION
Adopted by Hartford Chapter, Which also
Adopted Larry Speiser's Congressional Testimony

Report of Church-State Committee on Shared Time

This committee has considered the question of policy with respect to proposals for use of the public schools by students of non-public schools for non-sectarian subjects, commonly referred to as "Shared time." This concept was the subject of legislation in the last congress (H.R. 6074) and will presumably be the subject of a similar bill in the new session since it represents an effort to provide a form of financial assistance to non-public schools in an indirect manner which its sponsors feel does not run afoul of the Constitutional prohibition against aid to sectarian institutions.

The Committee considered the statement published by the National Church-State Committee and is generally in agreement with all that is said therein and particularly the problem areas insofar as such a program might become tainted by segregated classes, loss of control over the classes by the public school system, etc. If properly administered and controlled by the public school system so that the school system was given the private school child for some period of the day to schedule as it saw fit, there would appear to be no violation of the Constitutional prohibition. This is predicated upon the fact that the aid here is being rendered directly to the child under conditions controlled by the public school system.

In reviewing the testimony before the Congressional Subcommittee, Dr. Leo Pfeffer pointed out a number of dangers in the proposed program but basically criticized the philosophical approach to the whole question. Members of the Committee raised questions as to whether such a program might not weaken the public school system as suggested by Dr. Pfeffer in that it would increase the load without allowing the school system to teach courses wherein a non-sectarian attitude could be extremely beneficial in avoiding possible divisiveness resultant from sectarian educational programs. As pointed out in the testimony before the House Subcommittee by Theodore Powell, shared time has been employed in the Hartford School System for more than 30 years in the teaching of sewing, cooking and industrial arts. Similar programs are currently in effect in a number of other communities for a variety of subjects.

The Committee raised the question as to whether the terminology "local educational agency" was limited to a public school system since this term was not defined in the proposed Bill. The Act which the Bill would amend does define "local educational agency" as a public school system.

The Committee's feeling that the concept itself did not violate the Constitution was based largely upon the fact that the assistance here provided was directed to the child in furtherance of the obligation of the community to provide educational facilities for all children in its area. Since this is the case, the Bill is objectionable in that it limits the concept to those enrolled in "nonpublic school" which is defined as a school "which is owned and operated by one or more nonpublic, nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure to the benefit of any private shareholder or individual."

This would then discriminate against students who might not be attending a "nonpublic school," such as a private school student at a school which incidentally did produce some revenue from its activities and even students who were being privately tutored for some of their subjects. This would appear improper if the basis of constitutionality is that the aid is directed to the child per se since some children are to be discriminated against. This factor should be called to the attention of the National Committee.

One further aspect which must be considered is the relationship of such a program to students of nonpublic schools who are not residents of the community served by the public school system. Thus, if the policy of the community is to exclude nonresidents from the school system, the shared time program should not discriminate in favor of the students of the nonpublic school. If the community admits non-residents but charges a tuition fee, then this program must be applied equally here.

It was also felt that the American Civil Liberties Union should support the inclusion in any legislation a provision which would enable a taxpayer to challenge the Constitutionality of the Act.

January 1965

CIVIL LIBERTIES UNION OF MASSACHUSETTS

Position on "Shared Time" adopted at the meeting of the Executive Committee on September 11, 1964

Under the "shared-time" concept, children would be accepted as part-time students in a public school, meeting the balance of their educational requirements by simultaneously attending a private school. This proposal poses three distinct questions:

First: Is it wise educational or social policy to accept students on a part-time basis? While this is obviously an important question, it is not a civil liberties issue and is therefore beyond the scope of this pamphlet.

Second: Is a public school required to admit part-time students on the theory that refusal would violate the religious liberty of those who attend private schools for reasons of religion? Certainly, provision for all children to attend either public or private schools, at their election, adequately protects their religious liberty. Therefore, the state is under no constitutional obligation to accept students part-time.

Third: If a public school does accept part-time pupils who also attend religious schools, does this constitute an establishment of religion? We do not believe that it does. The mere act of accepting and educating a child cannot constitute an aid to religion. The fact that such an arrangement may make it possible for the child to obtain religious schooling does not put the state in the position of fostering religion. If that were so, then permitting children to attend religious schools on a full-time basis would constitute an aid to religion.

There are obviously enormous practical problems involved in accepting part-time students and it has been suggested that in burdening itself to accept students from religious schools, this constitutes an aid to religion. However, it does not seem to us relevant how much cost or expense is involved, if the act itself is proper.

Of course, in accepting part-time students, if a school should discriminate between those attending religious private schools and those attending non-religious private schools, then such a program would constitute an aid to religion.

GREATER PHILADELPHIA BRANCH, ACLU

Shared Time: In a recent memorandum you solicited the advice of the affiliates on shared time. It is the view of the Philadelphia ACLU that shared time per se does not constitute a violation of the separation principle, but that ACLU should remain alert to the possibility of such a violation arising out of distortion of the public school curriculum to academic scholars from non-public institutions.

STATEMENT ADOPTED AT THE SEPTEMBER 11, 1964
MEETING OF THE GREATER KANSAS CITY CIVIL LIBERTIES UNION

The Kansas City affiliate of the ACLU after a full discussion of the "shared time" proposal has come to the following conclusion.

1. In theory "shared time" is not necessarily a violation of the First Amendment. In practice, however, it may pose a constitutional issue. We believe that the ACLU and its affiliates should carefully examine the various pilot projects of Shared Time throughout the United States with the intention of noting abuses and calling them to the attention of responsible school authorities. The pilot project phase is most important because it will tend to set regional or national patterns.

2. Since Shared Time is in our judgment a matter of public policy rather than a constitutional issue we confine our critical comments to its probable effect upon the public schools.

   a. We have grave questions about the divisiveness that may result from children receiving part of their education in public schools and part in one or more nearby sectarian schools.

   b. We have grave questions also about the public school being the educational center for technical subjects while social sciences, English and other courses are taught in sectarian schools often from the standpoint of religious dogma. While such teaching in private sectarian schools is a present fact and right we believe the program of shared time may lead to large increases of students taking "value" subjects in the newly organized church schools and technical subjects in the public schools.

   c. We fear that the public school curriculum in some communities may be fragmented to such a degree as to render it less and less useful and influential in American life. In other communities where one church or denomination is influential there may be a gradual merging of teachers and functions as is the case even now with "captive schools" so that there is little distinction between a public school and a religious one. If this should happen constitutional issues would necessarily be raised. But this fact of numerous small town communities where there are public schools now under the control of Roman Catholic authorities with nuns as teachers raises questions as to the ability or willingness of minorities to challenge such abuses.

   d. We fear also that the increased stake of sectarian school authorities in the practices, policies and programs of the cooperating public school will lead to pressures upon public school officials and teachers that do not always expose themselves in ways that invite the remedial action of civil libertarians and the courts.

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

June 11, 1964

To: Jack Pemberton

From: Roger Baldwin

Re: Shared Time

My views on the issue as I understand it are these:

1. The use of public money for private schools and private school children registered in them, whether or not under religious auspices, cannot be defended in law or policy where the State offers free public education to all children. It could be attacked as an expenditure of public funds for a private purpose. The fact that no private schools of whatever character seek public funds (save for various Catholic proposals) or get them indicates accepted law and policy.

2. Shared time seeks to escape this restriction by making private school children part-time students in public schools. But they still remain private school children whose parents reject public school education. Can public funds be lawfully used to relieve private schools of part of their burden, especially if those schools are religious? Is this not aid to a private purpose and to religion?

3. The ACLU has always opposed aid to children of religious (and presumably other private) schools, whether by bus transportation, furnishing text-books or using public school time for children released to get religious instruction. It would seem consistent with that stand to oppose aiding private schools by relieving them of part of the expense of education. Parents are always free to choose a public school, but they cannot choose both a public and private school at the same time, nor can the schools so provide, without facing the obstacle of the expenditure of public funds for a private (and practically, religious) institution. The State has no obligation to educate other than public school children registered in its schools.

Adopted by Kentucky Civil Liberties Union, 10/64

Resolution on Shared Time
(Adopted by ACLU - Illinois Division
Board of Directors, June 4, 1964*)

Upon mature consideration, the Illinois Division of the ACLU has determined to oppose the introduction of a shared time program in the Chicago public schools, including particularly but not limited to the Kinzie High School, for the following reasons:

1. We believe that over a period of time it is likely to lead to a marked decline in the proportion of children attending public schools on a full-time basis, partly through increased enrollment in existing private schools and partly through the proliferation of additional part-time private schools, most of which are likely to be sectarian, but many of which may be formed for other purposes such as racial segregation, or Black Muslim or John Birch Society doctrinal training.

2. We believe that, without derogation of the right to elect a private school education at private expense, over a period of time the teaching of basic democratic values in history, civics, and other courses in the humanities and social sciences is more safely entrusted to schools subject to public control, however benevolent or enlightened particular private schools may be.

3. We believe that shared time programs will multiply divisiveness within the public schools and among children of school age; and that the cementing influence of the common school and common education will be dissipated.

4. We believe that in actual practice the role of public school boards and school administrations in determining educational policy and program in the public school will be subjected to powerful influences from private school administrations, likely to result in widespread instances of a lessened freedom of inquiry, avoidance of "controversial" subject matter and an undermining of the separation of church and state in the public school.

5. We believe it likely that unconstitutional distinctions will in practice be drawn between "part-time" pupils and "full-time" pupils, and that remedial judicial action is likely to be too slow and too late.

6. We believe that the very real financial relief given to sectarian schools by shared time programs (whether or not accompanied by a questionable public educational purpose) creates grave doubts as to the constitutionality of such programs.

7. We believe that shared time programs will open the door to expanded federal and state financial aid to private and sectarian primary and secondary schools, further depleting the strength of the public school system.

The foregoing policy statement shall be forwarded to the ACLU national Board for its consideration in determining its policy on this question and shall not be publicly released without further board action, although specific action re the Illinois scene may be considered and taken subject to board or executive committee approval at any time in accordance with customary practices.

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* The Illinois Division's opinion on the national shared time issue is in its January 26 minutes and memorandum, enclosed.

SHARED TIME -- REPORT FROM MICHIGAN

Because of the existence of a very large shared time program in the Cherry Hill School District in a Detroit suburb, the Detroit unit's Executive Board dealt extensively with the question of shared time throughout the middle portion of 1963. In July of that year, at a special meeting of the Board devoted exclusively to that subject, the Board adopted, by a vote of 8-6 (with the vice chairman presiding and not voting), the position set forth in a paper written by its chairman. (It also agreed at that time not to release any unsolicited statement to the press until the national office had been consulted.) Excerpts from the document which the Detroit Board adopted are attached.

At its meeting in September, 1964, the Michigan Board of Directors dealt with the subject and adopted two motions.

First, that "ACLU of Michigan opposes shared time as a violation of the equal protection clauses and of the concept of separation of church and state". The vote was fourteen to eleven (not including the chairman, who asked to be recorded as opposed).

Second, that "ACLU of Michigan opposes shared time arrangements between public and parochial schools as a matter of public policy and because such arrangements constitute a substantial threat to continuing a viable system of democratic, secular, public education." The second motion was adopted by a vote of sixteen to seven (not including the chairman, who asked to be recorded as opposed).

The arguments which prevailed with a majority of the State Board may be summed up, in part, as follows. Shared time is but a form of released time. It is a device by which the compulsory attendance laws and direct and important financial benefits from the general revenues are used to promote and advance the teaching of religion. Some felt that the emphasis on "accommodation" by some of those holding the minority position was a camouflage behind which a substantial breach in the wall of separation could be made. It was argued that, by having the public schools provide the facilities and teachers for the more expensive science, art, music, and other courses, public monies were being used to encourage students to enroll in sectarian institutions to receive instruction in the "value courses" and the humanities under religious auspices. The position set forth by Charles Ares in his paper of March 24, 1964 had substantial support among those who voted for the two motions which were passed.

Neither the action of the Detroit Board nor the contrary action of the State Board has been publicized outside of the organization.

EXCERPTS FROM

SOME THOUGHTS ON CHERRY HILL SHARED TIME PROPOSAL

By Rollo O'Hare

I

. . . . . .

[T]hree recognized positions in ACLU policy emerge: (1) All children may attend public schools as a matter of right without regard to race, religion, or other such factors, (2) All children may abstain from attending public schools and attend private schools, even though religiously oriented, so long as those schools meet the same minimum standards established by the state as are met by the public schools, and (3) The mechanism of compulsory school attendance may not be used to require students to attend religious exercises under any form of released time program. So far as the Constitution is concerned, the first position rests on equal protection and the free exercise clause, the second on free exercise, and third on the non-establishment clause.

II

How does the interplay of these three positions affect our outlook on shared time?

Let us assume that the States in establishing the public schools for students on a fulltime basis do not incur a constitutional obligation to provide facilities and personnel for teaching students who desire to attend on less than a fulltime basis and that the ordinary Fourteenth Amendment principles would apply so that any facilities and personnel provided on less than a fulltime basis would have to be provided to all who desired them on that basis equally. There may, as Leo Pfeffer has said, be policy objections to shared time as a proposition, but at least in the present state of the law, sharing time, even with a parochial school, is probably not unconstitutional.

At least not per se.

It is sometimes argued, I think with considerable merit, that the effect of a shared time program is to save the parochial school authorities money on the courses and materials which are now being dealt with in the public school so that they will have more available for a larger group of parochial school students in the remaining subjects....But our first principle is that all children may as a matter of right attend public schools....Unless the whole is greater than the sum of its parts, it is not easy to see how a partial transfer and a partial saving accords less well with the Constitution than a total transfer and a total saving.

III

On the other hand, the State's compulsory attendance machinery operates, as with released time, on a shared time pupil both while he is at the public school and while he is at the parochial school. If the portion

of the day spent in the public school increases and the portion in the parochial school lessens, a point will eventually be reached at which "shared time" will become "released time" -- and "released time", ACLU has properly said, is, in any of its forms, violative of separation of church and state.

Our three principles applied to shared time appear to lead to a dilemma....

. . . . . .

The problem then, is to reconcile the apparent contradiction.

IV

I suggest that a possible reconciliation lies in recognizing the wholly religious nature of the exercises ordinarily involved in released time programs. ACLU has opposed the use of state mechanisms to compel (or, indeed, encourage) attendance at such purely religious functions. It has been willing to allow (in fact, has held that "free exercise of religion" requires allowance of) that same mechanism to compel attendance at private schools, as substitutes for public schools, even though the private school may mix religion with the teaching of ordinary subjects in a manner which would be clearly impermissible in a public school.

If that is a satisfactory statement of ACLU's position, a shared time program would then get closer to the frightful line as displacement of the parochial school by the public school in ordinary academic subjects approached 100%, but would not go over the line into the forbidden realm of released time until the subjects being taught in the parochial school were either purely religious or wholly in excess of the required public school curriculum.

The program proposed in the Cherry Hill School District is far removed from that point.

V

. . . . . .

... [A]ny program, shared or full time, would become objectionable on church-state grounds if preference, discrimination or differentiation by religion in the public schools were involved. Students, on a fulltime or parttime basis, must be treated in the use of public facilities equally. Requiring Catholic students to be segregated into all-Catholic classes or to wear specific uniforms or to be taught by an instructional staff approved by the church hierarchy or to read or study from different text books would be clearly unconstitutional. But so long as the shared time pupil is treated in the public school as a public school pupil, so long as public school personnel are not used to enforce church school discipline, so long as the full control, direction and decisional authority with respect to the public schools remains in the hands of public officials, the fact that the pupil is attending part time raises policy, not constitutional, problems.

. . . . . .

VI

I believe the Board should adopt a policy statement with respect to the Cherry Hill proposal embodying these points:

1. Shared time proposals are not per se unconstitutional.
2. No public school has any constitutional obligation to augment or dilute its fulltime educational program by participation in a shared time program.
3. No person has a constitutional right to attend the public school parttime if the school authorities determine to offer only fulltime instruction.
4. The crucial factors in determining the constitutional acceptability under the First and Fourteenth Amendments are:
   a. Is the shared time student a public school pupil in all respects while attending the public school?
   b. Do the programs, personnel, text book selection systems and other ordinary procedures of the public school remain, without dilution, subject to the exclusive control of the public and its agencies?
   c. Are shared time facilities in the public school equally available to all similarly situated who might wish to use them?
5. The Cherry Hill proposal, while it has some shortcomings which should be dealt with, appears designed to meet the tests of constitutionality and bespeaks a sensitive awareness of the difficult problems of Church-State relationships involved.

. . . . . .

A-P-P-E-N-D-I-X O-N S-H-A-R-E-D T-I-M-E

FACTUAL REPORT ON THE CHERRY HILL SHARED TIME PROPOSAL (1963)

by Maynard Gordon and Rolland R. O'Hare of the ACLU of Michigan

The Cherry Hill School District takes in roughly the top portion of Inkster (that part which lies between Cherry Hill and Avondale), a portion of North Dearborn Township lying above the eastern extremity of the Inkster part of the district, and a section of Nankin Township between Cherry Hill and Avondale to the west of the Inkster portion of the district. There are six elementary schools in which approximately twenty-five hundred children are enrolled, handling the grades from kindergarten through the sixth grade. There is one high school in which approximately 1100 people are enrolled, handling grades 7 through 12. In roughly the same area, there are two Catholic schools. One is St. Norbert, which has approximately 1000 students and handles grades 1 through 8. The second school is St. Kevin which handles only grades 1 through 3 and is not involved in the shared time experiment.

St. Norbert is located about 3/4 of a mile from Cherry Hill High School.

It is estimated that at least 80% of the children who attend St. Norbert came to Cherry Hill for the last four years of their education. There is apparently no Catholic high school near enough to be very convenient and it is indicated that the bulk of the remaining 20% of St. Norbert graduates likely went to some other public high school. (St. Norbert's district is, of course, not conterminal with the Cherry Hill School District.)

The suggestion for a shared time experiment came from the public school authorities, not the parochial school authorities. The Cherry Hill School Superintendent pointed out that there had been a long history of community support for schools in the Cherry Hill District, but the public had rejected a bond issue for the acquisition of new sites about three years ago and had rejected a millage increase proposal for ordinary operation about two years ago. He indicated that these were among the reasons that he started thinking about methods for dramatizing (or even, perhaps, increasing) the benefits of the public schools to all elements of the community, including families committed to the parochial school concept. (He estimated that the number of children from Catholic homes attending the public elementary schools in the Cherry Hill district approximated 50%.) Other reasons for the proposal being made, of a more serious policy nature, were set forth in a statement to the press. The Board of Education adopted a resolution to implement this initiative on March 8.

With or without shared time, the Cherry Hill School District intends to use about 1.6 million dollars (which is apparently already available) on some remodeling which will eventually transmute the elementary school location adjacent to the high school into a junior high. It is also intended, with or without shared time, that the present seven period day in the high school will be expanded to an eight period day. The present day runs from 8:00 a.m. to 3:00 p.m. and it is anticipated that the addition of an extra period will require a day running from 8:15 a.m. to 3:30 p.m. It should be mentioned that the high school is rather new, having graduated its first class last year. Prior to that time, high school students from the District were bussed to Dearborn High. There are no regular operating programs at present which involve the use of busses.

The high school has 52 of what are called "teaching stations" equipped to handle 1,560 students.

The shared time program would affect only the 7th and 8th grades. There are presently 193 students enrolled in these two grades at St. Norbert. One hundred three students are in the seventh grade and ninety are in the eight grade. It is anticipated that the seventh grade students would spend the first three periods of their day each day at Cherry Hill High School and the eighth grade students would spend three periods in the afternoon there. In each case they would be broken up into three units and would rotate among the three classes so that each unit would spend an hour each day in each of the three classes. The teacher-student ratio would, in the case of the seventh graders, be 34-1 and, in the case of the eighth graders, 30-1, as compared to the ratio of 28-1, or less, currently in the high school. In each case, two of the classes which the students from St. Norbert would take would be mathematics and science. In these two classes, they would not be mingled in any way with the fulltime public school students. The third class hour would be filled by a rotation class which operates during the forty week school year, on the following schedule: Art and Music - ten weeks, Shop and Home Economics - ten weeks, Physical Education - ten weeks, and "Personality Development" - ten weeks. In these classes, it is expected that the students from St. Norbert would be integrated to some extent with students from the regular student body. It is expected that the seventh graders will report into Cherry Hill High School first thing in the morning and will be dismissed for lunch after three periods. After lunch they will proceed to St. Norbert to spend the remainder of their school day studying language, social studies and, it is presumed, religion.

Three new teachers will be hired by the public school to accomodate the increased class load. The text books, subject matter and course of study will be the same as it is for the ordinary public school students. Texts are recommended by the professional staff and approved by the Board of Education. The students will be marked, for the classes that they take in the public school, by the public school teachers and the individual report cards will be sent to the parochial school. The particular report card in use at Cherry Hill High School does not require return with the parents' signature. The marks for the public school courses will be recorded by the public school in its records. The purpose given for forwarding the individual report cards to the parochial school is to allow the parochial school authorities to record those marks on their records if they care to do so. The question was not specifically asked, but the impression was gained that graduation would be from St. Norbert.

We talked about a few other things. Details, for example, are still to be worked out on the possible conflict in holidays and days off. The high school already takes off the Thursday and Friday before Easter so that there will be no conflict resulting from the parochial school excusing the students for Holy Thursday and Good Friday. The high school now dismisses all classes on one day a month at 2:00 p.m. and Mr. Titus indicated that this practice will not be altered. In addition, holidays aside, the high school takes two and one-half days off at the end of twelve weeks and another two and one-half days at the end of twenty-four weeks. These times are used for certain curricular and teacher counseling matters The procedure will not be altered.

We talked about the matter of dress. The high school already enforces certain regulations with respect to dress for the female students. The Catholic girls, who wear uniforms to St. Norbert, will not be required to wear the uniforms at the high school and will, under the schedule proposed, have the lunch hour in which to change if they desire. The uniforms, of course, safeguard all of the elements of feminine modesty at which the high school's own regulations are directed. They would be acceptable, though not encouraged, attire.

We talked about present specialized small scale "shared time". The parochial school students are already, on both the primary and high school level, allowed to participate in speech correction and psychological services offered at the public schools. We did not ask for or receive any data with respect to the use of these facilities, but it was clear that they were used in the public schools by the parochial school students.

We talked about other things. Spontaneously, in the course of answering a couple of questions, the Superintendent said firmly, "From the moment they enter the public school until they leave, they will be public school students." He inquired about the ACLU's participation in court proceedings in the matters surrounding Church and State and appeared to be rather well informed in and concerned about the area. He told us that he was the person responsible for the introduction by a legislator of the bill which is now Michigan's Permissive School Bus Law. All in all, we felt that there could be no question about his awareness of the Church-State problems involved in shared time. We say this without intending to express any opinion about the fruit of that awareness.

In October, 1964, Ernest Mazey, executive director of the ACLU of Michigan, reported: "Our recent inquiry has established that the segregated classes of parochial students in the Cherry Hill Public High School have continued into the second year, although our fact-finding committee a year ago had been lead to believe that such segregated classes resulted from administrative difficulties originally."

AMERICAN CIVIL LIBERTIES UNION

156 FIFTH AVENUE

NEW YORK, NEW YORK 10010

February 19, 1965

To: The Board of Directors

From: The Office

In 1960 the Union opposed a bill introduced by Senator Mundt to establish a Commission on Noxious and Obscene Matters and Materials on the ground that, in effect, it might establish a national censorship board (see text of September 1, 1960 statement attached.) Our statement noted that the Union has always supported the need for research to determine whether there is a causal relationship between the reading of alleged obscene material and anti-social behavior; legislation advancing this research had been proposed in the House bill in 1960, but was deleted from the Mundt bill at that time. Now, in 1965, Senator Mundt has introduced S. 309, creating a similar Commission on Noxious and Obscene Matters and Materials (the text of the bill is attached). Senator Ernest Gruening, a friend of Ernest Angell, wrote to Ernest early in January suggesting that the issue is an important one and that he planned to recommend to Senator Mundt the appointment of an ACLU representative to the Commission.

The attached exchange of letters between Ernest, the office and Senator Gruening describes this development further. We asked the Board opinion on (a) our position on S.309; (b) ACLU representation on the Commission; and (c) the general question of ACLU participation in local decent literature commissions; from time to time it has been suggested that one way of educating our censorship opponents and curbing abuses is to work "on the inside" through such local commissions.

C
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January 22, 1965

Mr. Ernest Angell
1 East 44th Street
New York 17, New York

Dear Ernest:

Jack Pemberton asked me to look into the enclosed carbon letter you received from Senator Gruening concerning the bill introduced by Senator Mundt to set up a federal commission to study noxious and obscene materials. Larry Speiser and I checked this out and found that the bill is the same as the one we opposed in the late 1950's, on the grounds that it would actually lead to federal censorship. I am enclosing a copy of our statement opposing the original Mundt bill which describes our position in further detail.

In view of this, unless you wish us to reconsider, our opinion is that we ought to continue our strong anit-censorship position and not accept Senator Gruening's invitation, even if Senator Mundt adopts the suggestion.

Cordially yours,

/s/

Alan Reitman
Associate Director

January 29, 1965

Honorable Ernest Gruening
United States Senate
Washington, D. C.

Dear Ernest:

I was amused - if that is the right word - by the copy of your letter of January 11th to Senator Mundt, thinking how happily he would jump at your suggestion to add to his proposed commission some representative of the ACLU! I am sure we are one of his favorite organizations.

Actually I don't think we would want to accept a position on that commission - assuming the almost totally improbable. To do so would be an implied commitment in advance to some form of official censorship. As you can imagine, this does not sit well with us as a group.

I enclose a copy of a statement we put out on a similar proposal in September 1960.

My best to you as always,

Sincerely yours,

Ernest Angell

C
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Y

Ernest Gruening
Alaska.

Home Address
Box 1001
Juneau, Alaska

United States Senate
Washington, D. C.

February 4, 1965

Mr. Ernest Angell
Attorney at Law
1 East 44th Street
New York, New York 10017

Dear Ernest:

Replying to your letter of January 29th, you will be interested to know that Senator Mundt was entirely agreeable to have a member of the Civil Liberties Union added to his committee. He suggested that as long as the bill had been drafted it be not revised before introduction to make this change, but he will be entirely agreeable to accept an amendment which I intend to propose.

I doubt very much whether acceptance on the committee carries with it any implied commitment to advance some form of official censorship. While I can understand your apprehension -- or that of anyone else -- I think it might be really useful to have some sort of a definition after hearings as to what is obscene and what goes under the head of "freedom of expression." I hope under those circumstances you may be persuaded to modify your view.

With best wishes, I remain,

Cordially yours,

s/ Ernest

Ernest Gruening, U.S.S.

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UNITED STATES SENATE

WASHINGTON, D. C.

February 10, 1965

Mr. Lawrence Speiser, Director
American Civil Liberties Union
1101 Vermont Avenue, N. W.
Washington, D. C. 20005

Dear Mr. Speiser:

I am interested in your letter of February 3rd and your statement that you "noted with some dismay" that I am one of the sponsors of S. 309, to establish a Commission on Noxious and Obscene Matters and Materials.

The whole point of this Commission is to draw a line between what is obscene and what constitutes freedom of speech. I told Senator Mundt that I would sponsor the bill only on condition that he added a representative of the Civil Liberties Union to his list of Commission members, and he agreed to accept the amendment which I would introduce to that effect.

In these circumstances, I see no reason why this matter should not be thoroughly discussed. The hearings would certainly bring out whether this legislation is going to be useful or not.

Cordially yours,

/s/

Ernest Gruening, USS

COPY

February 15, 1965

The Honorable Ernest Gruening
4106 Senate Office Building
United State Senate
Washington, D. C.

Dear Senator Gruening:

Thank you for your letter of February 10 concerning the proposed Commission on Noxious and Obscene Matters and Materials. In reading the bill I do not find as one of its stated purposes the drawing of the line between

what is obscene and what constitutes freedom of speech. Perhaps that is what was intended by the bill, but, if so, it certainly is not clear. However, even if it were, this seems to me to be a peculiarly judicial function rather than one for a commission.

Originally, the proposal to establish a commission of this kind intended as its major purpose a scientific study to determine whether there was a causal relationship between obscenity and anti-social conduct. As I indicated, we were in favor of such a commission. However, subsequent drafts of the bill for the commission have eliminate that purpose.

I would very much like to talk with you about this because I know of your long devotion to civil liberties and to the protection of First Amendment rights.

Sincerely yours,

/s/

Lawrence Speiser
Director
Washington Office

February 18, 1965

C
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89th Congress
1st Session S. 309

IN THE SENATE OF THE UNITED STATES

January 7, 1965

Mr. Mundt (for himself, Mr. Allott, Mr. Bennett, Mr. Bible, Mr. Carlson, Mr. Case, Mr. Cooper, Mr. Dirksen, Mr. Eastland, Mr. Fannin, Mr. Gruening, Mr. Hickenlooper, Mr. Holland, Mr. Jordan of Idaho, Mr. Lausche, Mr. Prouty, Mr. Randolph, Mr. Scott, Mr. Simpson, Mr. Smathers, Mr. Sparkman, Mr. Thurmond, Mr. Tower, and Mr. Young of North Dakota) introduced the following bill; which was read twice and referred to the Committee on Government Operations

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A BILL

Creating a commission to be known as the Commission on Noxious and Obscene Matters and Materials.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS OF FACT AND DECLARATION OF POLICY

Section 1. The Congress finds that traffic in obscene matters and materials is a matter of grave national concern. The problem, however, is not one which can be solved at any one level of government. The Federal Government has a responsibility to find more effective ways of preventing the transmission of such matters and materials through the instrumentalities which, under the Constitution, are subject to Federal regulation. The State and local governments have perhaps an even greater responsibility in the exercise of their police powers to protect the public, and particularly minors, from the morally corrosive effects of such matters and materials. Governmental action to be effective needs the support and cooperation of an informed public. It is the purpose of this Act to bring about a coordinated effort at the various governmental levels, and by public and private groups, to combat by all constitutional means this pernicious traffic.

ESTABLISHMENT OF THE COMMISSION ON NOXIOUS AND OBSCENE MATTERS AND MATERIALS

Sec. 2. (a) For the purpose of carrying out the provisions of this Act, there is hereby created a Commission to be known as the Commission on Noxious and Obscene Matters and Materials (hereinafter referred to as the "Commission").

(b) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compen-

sation, shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

MEMBERSHIP OF THE COMMISSION

Sec. 3. (a) NUMBER AND APPOINTMENT. - The Commission shall be composed of twenty members, appointed by the President, as follows:

(1) One from the Senate;
(2) One from the House of Representatives;
(3) Two from the Post Office Department;
(4) Two from the Department of Justice, one of whom shall be from the Federal Bureau of Investigation;
(5) One from the Department of Health, Education, and Welfare;
(6) Three from the clergy;
(7) One who shall be a prominent educator in the field of secondary education;
(8) One who shall be a prominent educator in the field of higher education;
(9) One who shall be a prominent librarian;
(10) One who shall be a prominent representative of the book publishing industry;
(11) One who shall be a prominent representative of the newspaper, magazine, and periodical publishing industry;
(12) One who shall be a prominent representative of the motion picture industry;
(13) One who shall be a prominent representative of the radio and television industries;
(14) One from among the attorneys general of the several States;
(15) One who shall be a chief prosecutor of a city or county government; and
(16) One who shall be a chief law enforcing officer of a city or county government.

(b) VACANCIES. - Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) CONTINUATION OF MEMBERSHIP UPON CHANGE OF STATUS. - A change in the status or employment of any person appointed to the Commission pursuant to subsection (a) of this section shall not affect his membership upon the Commission.

ORGANIZATION OF THE COMMISSION

Sec. 4. The Commission shall elect a Chairman and a Vice Chairman from among its members.

QUORUM

Sec. 5. Eleven members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

Sec. 6. (a) MEMBERS OF CONGRESS. - Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH. - The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received for their services in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE. - The members from private life shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

Sec. 7. The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

EXPENSES OF THE COMMISSION

Sec. 8. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this Act.

DUTIES OF THE COMMISSION

Sec. 9. (a) INVESTIGATION, ANALYSIS, AND RECOMMENDATIONS . - It shall be the duty of the Commission -

(1) to explore methods of combating the traffic in obscene matters and materials at the various levels of governmental responsibility;

(2) to provide for the development of a plan for improved coordination between Federal, State, and local officials in the suppression of such traffic;

(3) to determine ways and means of informing the public as to the origin, scope, and effects of such traffic, and of obtaining public support in its suppression;

(4) to secure the active cooperation of leaders in the field of mass media for the accomplishment of the objectives and purposes of this Act;

(5) to formulate recommendations for such legislative, administrative, or other forms of action as may be deemed necessary to combat such traffic, and

(6) to analyze the laws pertaining to traffic in noxious and obscene matters and materials, and to make such recommendations to the Congress for appropriate revisions of Federal laws as the Commission may deem necessary in order to effectively regulate the flow of such traffic.

(b) REPORT. - The Commission shall report to the President and the Congress its findings and recommendations as soon as practicable and in no event later than January 31, 1967. The Commission shall cease to exist sixty days following the submission of its final report.

POWERS OF THE COMMISSION

Sec. 10. (a) HEARINGS AND SESSIONS. - The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the

production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued over the signature of the Chairman of the Commission, of such subcommittee, or any duly designated members, and may be served by any person designated by such Chairman or member. The provisions of sections 102 through 104 of the Revised Statues of the United States (2 U.S.C. 192-194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) ADVISORY COMMITTEES. - In carrying out its duties under this Act, The Commission (1) may constitute such advisory committees within States composed of citizens of that State, and (2) may consult with Governors, attorneys general, and other representatives of State and local government and private organizations, as it deems advisable. Any advisory committee constituted pursuant to this subsection shall carry out its duties without expense to the United States.

(c) OBTAINING OFFICIAL DATA. - The Commission is authorized to secure directly from an executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this Act, and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

February 18, 1965

AMERICAN CIVIL LIBERTIES UNION

156 FIFTH AVENUE

NEW YORK, NEW YORK 10010

September 1, 1960

STATEMENT OF AMERICAN CIVIL LIBERTIES UNION ON S. 3736 TO ESTABLISH A COMMISSION ON NOXIOUS AND OBSCENE MATTERS AND MATERIALS

Members of the American Civil Liberties Union -- like other Americans -- are deeply aware of the problem of obscenity in our modern society. In the common desire to meet the challenge posed by the high incidence of juvenile delinquency, the desire for a simple cause and a quick solution is understandable. The emotions of pity and indignation lead to the plausible conclusion that, if we can give some public official or officials broad powers to stop the flow of "smut," we shall then have gone a long way to insulate our children from pernicious influences which, unrestrained, may lead them into degradation and crime.

But such an easy solution, attractive as it seems, does not solve the complex and difficult question of obscenity, or the constitutional problems raised by enlarging governmental authority in this area. To begin with, we should recall that the Supreme Court has already ruled that we cannot constitutionally reduce all of our literature to a level fit for consumption by children. (Butler v. Michigan, 352 U.S., 380, 1957). Beyond that, we hold the constitutional guarantees of free speech and press apply to all expression, and that there is no special category of "obscenity" or "pornography" to which different constitutional tests apply. To be consistent with our view of civil liberties and constitutional freedoms, an obscenity statute must at least be definite enough to guide the average man, and also require that, before any material can be held to be obscene, it must be found to present beyond a reasonable doubt a clear and present danger of normally inducing behavior which has been made criminal by a valid statute.

We wish to make it clear that we do not profess to be experts on the issue of whether there is a causal relationsip between the reading or viewing of books and films and the commission of an illegal act, but we do know there is a great different of expert judgment on this question. As we said in 1955, in a pamphlet which discussed the relationship between crime comics and juvenile delinquency: "The ACLU believes that comic books, like other mass media, may play an important part in the development of children's minds and behavior. But, in view of the divergent - even contradictory - opinions expressed by responsible and qualified persons, it believes that there is lacking the assurance that crime comics are a signficant cause of delinquency."

The need for further research on this basic question was forcefully expressed in the final report of the Senate Subcommittee on Juvenile Delinquency in the first session of the 85th Congress, issued on March 4, 1957. That subcommittee was headed by Senator Kefauver of Tennessee. Under the heading (p. 127) "More Basic Research is Needed in Behavioral Problems," the report states:

"The insistent demands for immediate action programs to prevent and treat juvenile deliquency should not obscure the equally important need for long-range, fundamental research on the nature of man and society. Research provides the necessary basic knowledge concerning human social behavior upon which rational effective action programs must be based. In the course of its deliberations, the subcommittee was impressed time and time again with the serious gaps in our

knowledge of the fundamental mechanisms of human behavior in our society. Such knowledge is as essential for a far-reaching solution of juvenile delinquency as it is to other pressing social problems. The subcommittee, therefore, believes that the encouragement of basic research in the social sciences must be an essential feature of any systematic program designed to meet the problems created by delinquent behavior.

"Many expert witnesses before this subcommittee have reported on various phases of research findings to date. In the testimony some solid facts have been combined with interesting speculations and revealing insights. But much remains to be known. The intricate web of inter-relationships among home environment, parent-child relationships, community facilities, personality structure, broken homes, inter-group relations, school curricula, religious and spiritual values, and the contents of the mass media of communication has been noted. The exact nature and deeper meaning of these relationships, however, still remains to be unraveled.

"Do disturbed children tend to watch television more than non-disturbed children? What does this mean in terms of the future behavior of the child? What are the basic personality characteristics and family environments of non-delinquent children brought up in disorganized and undesirable neighborhoods? Do comic books reinforce, discourage, or encourage anti-social behavior? Before we can begin to probe thoroughly such questions, we must know a great more about the nature of human beings, the course of personality development, and the social and cultural processes that shape and direct human behavior. Basic research can do much in helping us discover and define the general patterns of human social behavior, and thus establish the larger contents in terms of which the mosaic of questions arising from specific social problems will be seen in proper perspective.

"Research plays a particularly important role in the attack upon social problems. It permits the formulation of hypotheses that can be tested and verified by experiments and systematic observations. It leads to the removal of a body of knowledge from the realm of assured and demonstrated fact. It substitutes proof for unwarranted assertions. For example, only well-designed research can provide a sound basis for evaluating the controversial allegations about the impact of television and comic books and other mass media upon the study habits and behavior of children and youths."

Supreme Court Justice Douglas says in his book, The Right of the People at p. 65, "Certainly the common test suggested by the courts -- whether the publication arouses sexual thoughts -- cannot be squared with the First Amendment. A state of mind is not enough; it is the relationship of that state of mind to overt action that would seem to be critical." He continues by stating that "(The First Amendment) should be respected even when we come to offensive material, unless there is such a close nexus between the words and anti-social action that the two can be said to be brigaded. The excesses that must be tolerated will bring less evil than the institution of a regime of censors looking for material that is offensive." We agree wholeheartedly with Justice Douglas.

S. 3736, a bill introduced by Senator Karl Mundt of South Dakota, would create a Commission on Noxious and Obscene Matters and Materials - to explore methods of combatting the traffic in such books and publications; to develop a plan coordinating federal, state, and local efforts to suppress such traffic; to determine ways of obtaining public support in its suppression; and to secure the active cooperation of the mass media in accomplishing this objective.

ACLU POSITION

The Union originally favored the establishment of a properly-selected Commission under a prior bill, H.R. 11454, to make a scientific study to determine whether there is a causal relationship between printed material and anti-social behavior. The ACLU does not argue that there may not be a causal relationship, but that in the absence of clearly demonstrable proof, there is no real basis for the assumption that such a relationship exists. The purpose of H. R. 11454 has been completely eliminated from S. 3736. S. 3736 proceeds on the assumption that there is such a causal relationship, and that certain printed matter has a "morally corrosive effect." We have pointed out before that this statement of fact is not supported by reliable scientific studies of this problem and that, on the contrary, there is a great deal of confusion as to whether such a causal relationship exists or not. The conclusion that there is a causal connection between obscene matters and juvenile delinquency and crime will undoubtedly satisfy great numbers of people, but will not necessarily solve the basic problem or dismiss the constitutional objections to S. 3736.

It should be noted that the word "noxious" does not appear in the findings of fact and declaration of policy in S. 3736, although the word "noxious" does appear in the title of the Commission itself. The omission of this word is important as an indication of the loose thinking which was used in the drafting of this bill. It is obvious that "noxious" and "obscene" are not identical in meaning or scope, yet the drafters of this bill, either by design or inadvertence, have not included the word "noxious" in the findings of fact. Perhaps more important this word has never been judicially defined in the free press field. What effect it will have on the operation of the Commission if this bill passes is difficult to determine, but certainly such an ambiguity should be resolved before proceeding further.

The Commission to be created by S. 3736 is aimed at suppressing some printed matter -- in violation of the First Amendment. Yet the bill fails to define specifically what is to be suppressed. It provides no judicial procedure to determine what comes within the purview of the Commission. S. 3736 may, in effect, establish a national censorship board.

Until it has been conclusively established that there is a causal relationship between obscene materials and matters and crime and other types of anti-social conduct, the American Civil Liberties Union will oppose this type of act and urge that it not be adopted.

February 19, 1965

AMERICAN CIVIL LIBERTIES UNION of Washington NEWS

Vol. 2 February 20, 1965 8[illegible]9 No. 3

Sullivan explains our stand on abolishing death penalty

The State Board of Directors has adopted a policy in opposition to capital punishment.

At the February 4th meeting, Douglas Shaw Palmer introduced a resolution calling upon the State Legislature to abolish the death penalty.

The question had been scheduled for debate, and chapters and members had been asked to relay their feelings to the board. At the start of the discussion, communications from three chapter areas were read. The Benton-Franklin Chapter had decided the imposition of the death sentence is not a civil liberties question, and so informed the Board. The Tacoma Chapter at its January meeting had reached the opposite conclusion. A group of 12 members in Walla Walla sent a petition to the Board urging abolition of the death penalty on due process grounds.

After intensive consideration of the issue, it was voted that the State affiliate opposes capital punishment, and President John J. Sullivan was authorized to testify as to our position at the hearings in Olympia.

The text of his remarks is published below in order to inform members of the basis for our opposition to capital punishment.

(Before the Judiciary Committee, House of Representatives in the State of Washington, February 8, 1965.)

As chairman of the Washington State Chapter of the American Civil Liberties Union, I'm speaking in favor of House Bill No. 8, which provides for complete abolition of capital punishment in Washington. Because of the limited time available, I will address myself only to the Civil Liberties problems raised by the death penalty.

The first objections from the Civil Liberties standpoint relate to the way capital cases are administered in Washington and in most other states in the country. Historically these objections cannot be practically resolved without abolishing the death penalty itself.

A. THE DEATH PENALTY AS ACTUALLY ADMINISTERED IS UNFAIR AND RESULTS IN BIASED CRIMINAL JUSTICE.

1. The defendant in the capital case does not have a jury made up of a cross section of society. It is only in capital cases that the jury not only passes on the guilt or innocence of the defendant, but also fixes the penalty to be imposed. Under Washington law, all prospective jurors in such cases who would be reluctant to impose a punishment of death are summarily disqualified from serving. Thus the jury is not made up of the defendant's peers, but rather, this jury—which must pass on all issues of the case—consists only of those members of society who favor capital punishment. Such jurors are likely to be more vindicitive and less compassionate than the rest of the population. In fact—as was recently demonstrated in Oregon—they make up only a minority of the general population.

2. It has been clearly demonstrated that the poor are much more likely to be executed than persons of means. Warden Louis E. Lawes, the long-time warden at Sing-Sing Penitentiary in New York State, had the following to say in his book **20,000 Years at Sing-Sing:**

> **In all of my years as Warden of Sing-Sing prison, I have never seen anyone wealthy or educated go to the electric chair.**

and James V. Bennett, Director of the United States Bureau of Prisons, upon his retirement in 1961 stated:

> "With a few isolated exceptions, the persons put to death each year are penniless and friendless."

3. Historically, it has been established that members of racial minority groups are far more likely to be executed than others. More than 50 per cent of all persons executed in the United States since 1930 have been non-whites.

4. It is far more difficult to obtain an impartial jury in a capital case because of the lurid press coverage and the highly emotional atmosphere that often accompanies capital cases. This of course increases the likelihood of an injustice. Justice Felix Frankfurter of the United States Supreme Court commenting on this problem stated:

> **Can fallible men and women possibly reach a disinterested verdict based exclusively on what they hear in a courtroom when before they enter the jury-box their minds are saturated by press and radio?**

All of these factors increase the likelihood of an unjust verdict. Because of the frailities of men, an unjust verdict may occur in any criminal trial. However, in other cases there is always some chance that an injustice, if it has occurred, can be corrected. In capital cases, once the extreme penalty has been imposed nothing can be done.

B. THE DEATH PENALTY IS IRREVOCABLE.

It creates a complete denial of any opportunity for the exercise of post-conviction remedies, if an injustice is discovered after the sentence is carried out.

In every other type of punishment the defendant still has the right to continue to establish his innocence through new evidence, or by showing that his trial was infected with constitutional error, and often this has been done. Between 1936 and 1961, for example, the United States Supreme Court reversed 16 capital cases solely upon the ground that the defendant's confession had been produced by corecion. No one can tell how many meritorious cases never reached the United States Supreme Court in this period.

Some of the previous speakers who are in favor of retaining capital punishment have paraded before you stories of defendants who have committed brutal and vicious crimes. They have climaxed their appeal to your emotions by saying these men deserve to die.

THE HORROR OF SUCH CRIMES is indeed shocking, and provokes in the most stable man a desire for vengence. But the administration of justice must not be based upon vengence. Reasonable men will recall Sacco and Vanzetti, Tom Mooney, Jerome Frank, and others. There is a clear and documented record that since 1890 more than one person every year who has been condemned to death in America has later been proven innocent. For countless others, whose convictions were not later examined because of the fruitlessness of attempting to clear a man who has already been executed—the case is closed.

The position of the American Civil Liberties Union and all thinking people in this state may be summed up in the words of Thomas Jefferson, who stated:

> **I shall continue to ask for the abolition of the Punishment of death until I have the infallibility of human judgment clearly demonstrated to me.**

This is not a time for compromise. We must abolish this barbaric institution and restore the dignity of man.

NEW YORK CIVIL LIBERTIES UNION
156 Fifth Avenue
New York, New York 10010

February 24, 1965

To: NYCLU Committee on Proposed New York Penal Code (S.I. 3918)

From: Sol Rubin

Capital Punishment

The existence of capital punishment in New York affects civil liberties in two aspects, both of which impel us to recommend that abolition be called for and supported by the Civil Liberties Union.

1. Capital Punishment is a Violation of the Constitutional Prohibition of Cruel and Unusual Punishment.

Although the Supreme Court of the United States has upheld the death penalty as being not in violation of the constitutional prohibition against cruel and unusual punishment, its rulings do not foreclose the Civil Liberties Union from urging that the Court should hold differently. If it urges this position, it should similarly support and urge legislative abolition, as another way of achieving the goal of abolishing a cruel punishment.

The question that calls for examination, therefore, is whether capital punishment, in our opinion, constitutes cruel and unusual punishment within the Eighth Amendment. A recent work, The Law of Criminal Correction[1] takes the position that it does. It reads as follows:

> . . . Thus far the courts have upheld its validity against the charge that it violates this provision. As we shall see, the test of what is "cruel and unusual" varies with the times and popular moods; interpretations reflect the contemporary judiciary's notions of cruelty and singularity. Two specific tests are applied; first, whether the punishment is repugnant to the conscience of civilized men; second, whether the punishment is out of all proportion to the offense.

The failure of the courts to apply the cruel and unusual punishment test to strike down the death penalty demonstrates the poverty of application of the noble constitutional pillar. In a country where taking a life feloniously is considered the gravest crime, taking a life as a punishment is not considered cruel, whether the method of execution is shooting, hanging, electrocution or any other device the states have chosen. The legislatures in several states have determined that the penalty is not suitable for our civilization, and at least one was led to abolishing it through the cruelty of a hanging. The courts, however, led by the United States Supreme Court, have refused to acknowledge that execution is a cruel punishment. Their words reveal that they are governed by precedent rather than reason. In a case in which a man survived electrocution through faulty mechanism and then was subjected to it a second time, the Supreme Court said: "The cruelty against which the Constitution protects a convicted man is cruelty inherent in the method of punishment, not the necessary suffering involved in any method humanely employed to extinguish life humanely." Modern Anglo-

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1. Rubin, Sol, et al. The Law of Criminal Correction. West Publishing Co., St. Paul, Minnesota, 1963.

The sections quoted from The Law of Criminal Correction are extensively footnoted in the original. As an office economy, the footnotes are not reproduced here.

American law forbids the infliction of unnecessary pain in carrying out the death sentence. The Court was able to recognize pain in the incidental procedure, but not in the fatal act itself. Thus, according to this view, slapping a man needlessly before execution is cruel and unusual punishment, but killing him is not.

Tradition governs, not humanity or logic. Seventy-five years ago a New York governor who sought and obtained passage of a bill to substitute electrocution for hanging said: "The present mode of executing criminals by hanging has come down to us from the dark ages, and it may well be questioned whether the science of the present day cannot provide a means of taking the life of such as are condemned to die in a less barbarous manner." But despite these words, which the Supreme Court quoted two years later, the Court upheld hanging, as it still upholds the other forms of execution.

The Constitution does not say, "Punishments shall not be cruelly imposed"; it says, "Cruel and unusual punishments shall not be imposed." It does not appear that the Court has ever examined the ingredients that might make the death penalty inherently cruel, physically and psychologically. It has not considered the mental cruelty imposed not only on the one who is being executed but also on many other persons who are under sentence of death but will not be executed because of innocence or legal error or clemency. Reprieves are granted only minutes before an execution is scheduled to occur, and often, apparently as regular practice, commutations are granted only shortly before the scheduled time of execution. The mode of action but not the deed itself is condemned; in the history of the Supreme Court it would be hard to find an instance of illogic to equal it. It is as though one said he abhorred the needless cruelties of war but did not abhor war itself.

The Court has not examined the death penalty to see whether it is at variance with the times and the popular temper. The test is not satisfactory if it merely asserts that the legislatures have declared themselves, for then the constitutional provision would be a futility; and it does not consist of taking a poll, official or unofficial. Without exhausting the signs, one can point to the steady decline of the application of the death penalty in our country; to the difficulty of filling death case juries; the obvious shame that accompanies application of the death penalty, as shown not only by the abandonment of public executions, but also by protection against disclosure of the identity of the persons who perform the act of execution in private. Death itself is obviously a harsher penalty than any of the incidental procedures the court condemns, and the penalty may well be said to be in conflict with the temper of the times. If the court is to uphold the death penalty on sound legal grounds, it must assert that the death penalty is a necessary public policy; it must hold that the pain imposed on the defendant, though regrettable, is unavoidable because the public good is supported by killing him. Thus the court must consider whether the death penalty is justified as a deterrent to others, and whether vengeance as a policy can sustain the death penalty. We refer to both of these questions later in this chapter.[2]

What should be added to the foregoing is what it says the Court has not examined—the cruelty of the application of the death penalty, physical and psychological. As to psychological cruelty, Musselwhite v. State, 215 Miss. 363, 60 So. 2d 807 (1952) involved an application for stay of execution of a death sentence on the ground that insanity

2. Ibid, The Law of Criminal Correction, p. 339.

had supervened. The argument revolved around whether the prisoner's condition existed at the time of the trial or came after. There was no doubt, however, as to the post-trial insanity, diagnosed as schizophrenia, catatonic type.

Said the Mississippi Supreme Court: "There is agreement among the examining physicians that at the time of the hearing the petitioner had lost awareness of his precarious situation . . . . If he were taken to the electric chair, he would not quail or take account of its significance. There is reaction neither to audible nor physical stimuli. He takes no nourishment voluntarily . . . . We accept therefore the finding that the petitioner is insane and that such insanity has befallen him since his conviction nearly two years ago."

The U. S. Supreme Court in one case did recognize a certain cruelty in the process of keeping a man for execution. "When a prisoner sentenced by a court to death is confined in the penitentiary awaiting the execution of the sentence, one of the most horrible feelings to which he can be subjected during the whole of it, which may exist for the period of four weeks, is the precise time when his execution shall take place. (Ex parte Medley, 134 U.S. 160, 33 L. Ed. 835, 10 S. Ct. 384 (1889).

The physical cruelty of the actual execution has also been described. Alabama uses the electric chair in its executions. In articles in the Montgomery Advertiser, Danielle Harris described what happens, as told to her by officer McDaniel, who had witnessed about 20 executions, and Lt. W. L. Traywick, who had witnessed eight.

The final switch is thrown and the electricity strikes the body which stiffens violently.

The clenched fists whiten and turn slowly upward as the current builds up to a maximum 2,500 volts. This is a reflex action. A blister begins to rise on the lower left leg beneath the electrode.

The noise is loud. The dying man fights the straps with amazing strength. Unusually, some smoke rises up from the chair.

"It is a most violent death but it's over in 40 seconds," said Traywick. (October 23, 1961)

* * *

Rex Thomas, Associated Press writer here, has probably witnessed more electrocutions than anyone in Alabama. He describes unforgettable death chamber scenes:

Years ago, a Negro boy and his brother were sentenced to die one week apart. After the first was electrocuted, his brother was so emotionally upset that during the death walk, he broke away from guards and lunged into the electric chair. Thomas commented, "the boy just couldn't wait to meet his maker".

Thomas has seen bodies catch on fire in the chair, filling the death chamber with smoke and the smell of burning human flesh.

"That's something you just don't forget", he said.

The body will burn if it requires a second or third jolt or if the condemned perspires excessively.

One guard said the worst part of an electrocution is removing the hood from the head of a man who is badly burned.

Ordinarily, however, the body requires only one jolt of electricity and does not burn, or burns only slightly where the electrodes are attached to the head and lower left leg.

The jolt caused a man's eyeball to fall from its socket in one case.

Another time the waist strap broke while a big, powerful Negro was being electrocuted. "He darn near came out of that chair", said Thomas.

The black hood has been known to drop down, revealing the face of the dying man.

False starts are uncommon but have occurred.

"One of the worst cases I've ever seen", said officer Alford, was a Negro from Troy convicted of murder. He fought us all the way to the death chamber. Several of us had to overpower him to get him strapped in the chair".

Guards have been known to "go all to pieces" during episodes such as these. "Some just can't take it". "Their nerves just don't hold up".

"The guards are always nervous before and during an electrocution", said Alford. "In my opinion it's something you never become accustomed to. It's the most gruesome job I've come in contact with during my 35 years with the department".
(October 25, 1961)

2. The Administration of Justice Becomes Distorted in Capital Cases to the Prejudice of the Defendants.

Quoting once more from The Law of Criminal Correction:

(1) Effect on Law Enforcement. The existence of the death penalty in a jurisdiction has a curious effect on law enforcement. It is obvious that the consequences of illegal police work to the prejudice of a defendant are fatally conclusive in death penalty states, in comparison with abolition states, where error can be corrected while the defendant lives on in prison or on parole. One might think that the gravity of a capital charge would be sufficient to deter the police from certain practices that make it easier to obtain a conviction—but at the cost of illegal police action and at the risk of convicting the innocent. The contrary is often observed however: The "third degree" and other forms of coercion are used in capital cases in order to obtain confessions or testimony for the prosecution. Frequently the police efforts are incredibly dirty.

What is it that causes this behavior by the police? We suggest that it is the gravity of the penalty, the melodramatic treatment of a capital case under law and in the newspapers, that stimulates the police to settle this kind of case "at any cost."

(2) Effect on Prosecution. Just as the zealousness of the police for a solution to a capital crime produces police lawlessness (to which prosecutors are often privy), so does the death penalty in the penal code of a jurisdiction—unlike the corresponding case in a non-death penalty state—tend to bring the prosecutor not merely to argue the evidence of guilt and innocence, but to advocate the need to exterminate the defendant, hardly a circumstance supportive of objectivity.

"Frequently, in order to sway a jury toward the fatal verdict —and possibly to reassure his own conscience—a prosecutor will inflame the jurors against the accused by playing upon every prejudice and ghastly detail. It is generally recognized that some prosecutors, because of political ambition or simple vanity, are not above deliberately seeking the headlines." These efforts are sometimes condemned, sometimes upheld. The source of the prosecutor's pattern—and that of the appellate court's—is clearly the death penalty. The same source of the prosecutor's prejudicial statements results in reversals.

(3) Effect on Coercion of Defendants. The points made above on the impact of the death penalty on law enforcement and prosecution, focus on the activities of police and prosecutors in influencing juries to convict and to punish by death, or to achieve the same goals by coercing the defendant into making a death-justifying confession. The death penalty on the books of a jurisdiction coerces the defendant in other ways also, sometimes with and sometimes without the participation of these officials.

Obviously an innocent defendant charged with an offense punishable by death is placed in a grave position: unlike the innocent defendant in any other case, he risks his life if his defense of innocence fails. In the light of frequent unscrupulousness and lawlessness by police and prosecution in capital cases, the chances of unsuccessful defense are high. The result is that pleading guilty to a lesser charge occurs frequently in capital cases, and it is far more suspect than it is in other cases, for here the danger of convicting the innocent is markedly increased. Similarly, a defendant who might have been sentenced to death but is found guilty and given a lesser sentence is in the position of staking his life on an appeal, if he contends for a reversal and new trial.

In most instances the prosecutor is actively engaged in negotiating the plea. The process is delicate and dangerous where the death penalty is involved. If he overplays his hand with the press, he may have to demand a death conviction, although he he might originally have intended to accept a plea of guilty to a lesser crime. The initiative of the prosecutor in Stroble v. California may be repugnant to him, but the press may make the climate too hot for him to accept a lesser plea where he had intended to do so. Aside from these eventualities and aside from whatever one thinks in general of the process of negotiating pleas of guilty, the fact is the negotiation process in cases where death is a possible penalty is inherently suspect because it is potentially contaminated by coercion.

(4) Effect on Quality of Defense. Provision of counsel by the state without charge to indigent defendants, especially in death cases, is a strong point in our jurisprudence. However, it should not obscure the fact that assigned counsel, on the average, is not likely to provide the same quality of defense as that afforded capital defendants who employ their own counsel. Sometimes this is due to the political nature of the appointments; but even where counsel are quite able, the compensation is not sufficient to enable them to make all necessary investigations or devote enough time to the case. The result is that, in capital cases, defendants represented by assigned counsel are more likely to be executed than are defendants who have privately retained counsel.

(5) Effect on the Climate of Justice. The death penalty has an influence on the way the press deals with cases of capital crime. The coverage that death cases receive in most of the press is uniquely blatant, detailed and emotional. A fair trial may become impossible. The outstanding mark of such reporting is not that an individual was murdered but rather that the defendant may himself be killed by the state. If a sex angle is added, the trial achieves national attention, with reporters, photographers, and feature writers competing to sustain the excitement.

One of the most ancient principles of correctional law is that any punishment may be relieved after the defendant has begun to serve it—and, indeed, after he has completed serving it. The death penalty is the only punishment that does violence to this principle of humanity.

(6) Effect on Correctional Philosophy. The existence of the death penalty obscures and confuses the responsibility of the state to treat criminals and deter crime. It seems unnecessary to state that correctional treatment requires that the convicted person be alive to receive it. However, the concept of a death penalty state is that certain persons are beyond hope of rehabilitation and are too dangerous to be permitted to live. But the chief crime to which the death penalty is applied is murder, and murderers who are not executed do redeem themselves as human beings.

The retention of capital punishment also has implications for a philosophy of correctional treatment; it means that the state rejects any attempt at rehabilitating the criminal. In contrast, in most states where the death penalty has been abolished, the offender is eligible for parole. In emphasizing the crime, not the criminal, the death penalty states ignore the basic tenets of modern criminology and public protection. Reversing the emphasis, putting it on the criminal rather than the crime, teaches and alerts the community (public, police, prosecutors) to detect dangerous individuals whether or not they appear to be seriously disturbed and whether or not their crime is a serious one.

A trial judge sentenced to death (and was upheld by the state supreme court) on this rationale: "The defendant, having been befriended by decedent, given money, a job, a place to live and taken in the household as a member of the family, to then lie in wait and brutally beat her on the head with a pistol and fire eight shots into her body, can only depict a depraved, cruel, and ruthless and brutal individual." It was unquestionably true that the victim was generous and the defendant depraved. In sentencing to death, the judge was aware that (as is generally true in a crime of depravity) the defendant was mentally ill, though legally responsible. The psychiatrists had reported that the only treatment for such a defendant was "a protective environment such as institutional care." This is true of sociopathic offenders, who are, in fact, at times cured by imprisonment, even without treatment. But both this possibility and even the alternative of life imprisonment were rejected. The trial judge was not interested in the possibility of rehabilitation; he rejected imprisonment because parole was legally possible. A sentence thus formulated has one motivation only: revenge.[3]

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3. Ibid, The Law of Criminal Correction, p. 343.

Especially prejudiced are the poor and members of minority racial and national groups. From 1930 to 1961, 3,766 persons were executed in the United States. Of these, 1,695 (45 per cent) were whites and 2,030 (53.9 per cent) were Negroes, who constitute only 10.5 per cent of the population. The presumption is that bias operates in this aspect of criminal law administration as it does in others. In refutation it has been suggested that Negroes actually commit an equally disproportionate number of capital crimes, and the arrest figures of the Federal Bureau of Investigation are cited to support this correlation. However, these are figures of arrest, not of crimes committed —and numerous studies give evidence of bias against Negroes in liability to arrest and related police lawlessness.

> "Negroes are more liable to be suspected of crime than are whites. They are also more liable to be arrested. If the perpetrator of a crime is known to be a Negro the police may arrest all Negroes who were near the scene—a procedure they would rarely dare to follow with whites. After arrest Negroes are less likely to secure bail, and so are more liable to be counted in jail statistics. They are more liable than whites to be indicted and less likely to have their cases nol prossed or otherwise dismissed. If tried, Negroes are more likely to be convicted. If convicted they are less likely to be given probation. For this reason they are more likely to be included in the count of prisoners. Negroes are also more liable than whites to be kept in prison for the full term of their commitment and correspondingly less likely to be paroled." Taft, Criminology, a Cultural Interpretation 95 (1950). Increased liability of Negroes to be arrested—Warner & Lunt, Social Life of a Modern Community 374 (1941). Increased liability of Negroes to be the victims of third degree and other police lawlessness—Civil Rights in the United States in 1949 (American Jewish Congress, National Association for the Advancement of Colored People). "Police brutality by some state and local officers presents a serious and continuing problem in many parts of the United States. Both whites and Negroes are the victims, but Negroes are the victims of such brutality far more, proportionately, than any other group in American society." 5 United States Commission on Civil Rights, Justice 109 (1961). Robert S. Vogel, chairman, Board of Directors, American Civil Liberties Union of Southern California, states, "Instances of police malpractice reported to us involve almost invariably Negroes and Mexican-Americans in the ratio of at least 50 to 1. That is a fairly conservative estimate." (Hearings before the United States Commission on Civil Rights, held in Los Angeles and San Francisco, January 1960, at 297.) In a study of 439 persons sentenced to death in Pennsylvania from 1914 through 1958, it was found that 88.4 per cent of Negroes were executed, compared with 79.8 per cent of whites, and the researchers concluded: "Thus, although differences in the disposition of capital offenders probably function to the greatest extent before sentencing, differences may be found even after offenders have been committed to death." Wolfgang, Kelly & Nolde, Comparison of the Executed and the Commuted among Admissions to Death Row, 53 J.Crim.L., C. & P.S. 301 (1962).[4]

There are other prejudicial elements in capital cases:

The selection of jurors in capital cases poses additional civil liberties problems. Murder is the crime which receives the most lurid press coverage, resulting in a climate of opinion least conducive to the selection of an impartial jury. It is, therefore, not surprising that virtually every Supreme Court case dealing with the effect of newspaper publicity on a state trial has involved a capital offense. This problem impelled Justice

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4. Ibid, The Law of Criminal Correction, p. 332.

Frankfurter to ask whether "fallible men and women (can) reach a disinterested verdict based exclusively on what they heard in court when, before they entered the jury box, their minds were saturated by press and radio."

Of even greater significance, however, is our method of jury selection. This operates to select a jury in part because of its belief in the death penalty. The Code of Criminal Procedure allows a challenge upon a showing in a capital case that the juror has "such conscientious opinion as would preclude his finding the defendant guilty." Under this provision a juror can be challenged even though he states that, despite his personal objection to capital punishment, he could find the defendants guilty of a capital crime.

Following trial and appeal, the death penalty operates to limit post-appellate review in the class of cases where it is needed most. When the Supreme Court adopted the rule in Powell v. Alabama (requiring free transcripts on appeal) the defendants who could never take advantage of the retroactive application of these rules were the ones who had been executed. Similarly, if the Supreme Court were to rule that Mapp v. Ohio applies to pre-Mapp trials, a defendant who had been executed on the basis of unconstitutionally obtained evidence could never secure relief. Moreover, New York has failed to acknowledge the constitutional right of a prisoner in a capital case to the assignment of post-appellate counsel. The failure to assign counsel during the post-appellate stage of a capital case frequently precludes the indigent prisoner under sentence of death from pursuing those remedies available to a prisoner convicted of a less serious crime.[5]

Conviction of the innocent is always a civil liberties issue. But no other sentence of an innocent person has the quality of a death sentence, namely the impossibility of correction.

. . . Often years are required before innocence is established; but in capital cases, execution is rarely delayed more than a year following sentence. It has been estimated that 10 per cent of the persons in several groups studied who were executed or imprisoned for life were later found to be innocent. Pollak points out that the errors that occur in life imprisonment cases are equally likely to occur in death sentence cases. The points we have made above suggest that errors are more likely to occur in death sentence cases.

Erle Stanley Gardner's Court of Last Resort demonstrates that once a person is convicted, it becomes extremely difficult for him to obtain his freedom. At that point the test becomes not a matter of reasonable doubt, enough to avert conviction on the original trial, but rather the establishment of innocence. The author of another study goes farther, concluding that "it is virtually impossible to get an innocent man released from prison." He describes the case of one man convicted of murder and (because the state was one that had abolished capital punishment) sentenced to life imprisonment. It took twenty years to obtain his release through executive clemency on the grounds of innocence even then. Twelve other cases of releases for innocence are cited, including three prisoners who served more than twenty years and four others who served nine years or more before release.[6]

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5. "Does Capital Punishment Present a Civil Liberties Issue? Yes," by Norman Redlich, Civil Liberties in New York, May 1963.

6. Ibid, The Law of Criminal Correction, p. 335.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

AGENDA

BOARD OF DIRECTORS MEETING

MONDAY, MARCH 1, 1965 - 12:30 P.M.

156 FIFTH AVENUE - ROOM 725

1. Minutes of February 15 meeting.

2. Financial report.

ACTION

3. Recommendations of the Church-State Committee and affiliates on public funds for institutions of higher education, continued (materials previously circulated; memorandum from ACLU of Michigan enclosed).

4. Recommendations of the NDC Steering Committee (minutes of 2/12/65 meeting enclosed) on:

   (a) Equipment loan
   (b) Louisiana vigilance fund grant (additional memorandum by Mr. Haskell enclosed).

5. Recommendation of the Administration Committee on application for an Alabama affiliate.

6. Prospective invitation from Senator Mundt for ACLU representation on a federal commission on noxious and obscene materials (correspondence with Senator Gruening and Mr. Angell enclosed).

7. Recommendation of the Free Speech and Association Committee on:

   (a) Biennial Conference recommendation on wartime restrictive measures
   (b) Newspaper regulation of non-commercial advertising (Minutes of Free Speech and Association Committee meeting of 2/11/65 and memorandum by Mr. Millis enclosed.)

8. Recommendations of the Church State Committee, the Biennial Conference, and the affiliates on tax exemption for churches (materials will follow).

Note to agenda: Minutes of the February 12, 13, & 14 meeting of the National Planning Committee separately and in joint session with the National Development Council Steering Committee, will be circulated with a subsequent Board mailing.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

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MINUTES

BOARD OF DIRECTORS MEETING

MONDAY, FEBRUARY 15, 1965 --- 12:30 P.M.

PRESENT: Mr. Angell, presiding; Messrs. Bierstedt, Black, Crowell, Evans, Fraenkel, Frank, Galantiere, Hacker, Heckscher, Jones, Kunstler, Maslow, Millis, Prashker, Rice, Soll, Westin; Mrs. Jacobs; Judge Kenyon.

Office: Messrs. Pemberton, Reitman, Haskell, Wulf, Mote, Bucholz, Adler; Mesdames Floyd, Katz; Miss Strickland.

Visitors: Mr. and Mrs. Eason Monroe, Mr. Lynn Castner.

1. Minutes. Mr. Pemberton reported that Mr. Lacy had written to say that the minutes of the January 18 Board meeting (page 3, item 8 relating to the President's Bill on Aid to Education) erroneously stated that "the members present expressed agreement with the staff recommendations," as Mr. Lacy did not agree with the staff recommendations. The minutes of the February 1 meeting were then approved as circulated.

2. Visitors. Mr. Eason Monroe, executive director of the ACLU of Southern California, his wife, Mrs. Vivian Monroe, executive director of the Constitutional Rights Foundation, and Mr. Lynn Castner, executive director of the Minnesota Branch, ACLU, were welcomed.

3. Death of Ray Briman. Mr. Pemberton read a telegram informing the Board that Mr. Ray Briman, state correspondent in Kansas before it became an affiliate, died February 12. The Board expressed both its deep regret at Mr. Briman's death and gratitude for all the service he rendered the ACLU.

4. Leave of absence. The Board approved Mr. Jones' request for a leave of absence through April due to an extended trip, including visits to affiliate areas.

5. Report of the National Planning Committee and the National Development Council - Steering Committee. Mr. Pemberton reported briefly on the discussions of the two Committees which met separately and jointly on February 12-14, stating that the Board would receive specific recommendations at a later meeting. Special attention in the Steering Committee was given to applications from the affiliates for grants, and particularly the problem of strengthing the Louisiana Civil Liberties Union and the Lawyers Constitutional Defense Committee. The National Planning Committee reviewed the overall activities of the Union, and appointed several subcommittees to deal with such issues as long-range growth, education and a tax exempt arm for the Union.

6. Legal Activity in the South. Mr. Kunstler noted the New York Times story announcing the decision of the President's Lawyers Committee for Civil Rights Under Law to send attorneys to Mississippi, and said because of the failure to mention the work of the LCDC the story gave the impression that the National Lawyers' Guild has a monopoly in Mississippi. Also, the Mississippi

Bar was quoted as referring to all the lawyers in Mississippi until the present time as "rabble rousers", which would seem to include, of course, the LCDC lawyers. Furthermore, though the LCCRUL has conscientiously sought the approval of the Mississippi Bar for its project it has made no attempt to coordinate its activities with the Council of Federated Organization, the coordinating council of civil rights groups. Mr. Pemberton then recounted the LCDC experiences in seeking to cooperating with the LCCRUL, particularly in the search for foundation support, noting that the LCCRUL has not only rejected the LCDC plans but seemingly has closed all lines of communication between the two groups. This attitude, he stated, not only pertains to the LCDC representatives who met with LCCRUL attorneys, but is an affront to the civil rights movement.

7. Federal Aid to Church-Related Institutions of Higher Education. Mr. Soll reviewed the background of this issue, as described in the previously circulated papers, focussing on the majority position approved by the national Church-State Committee on June 1, 1963, comments made thereon by members of the Committee, and comments and suggestion from many ACLU affiliates. Among the affiliate comments, Mr. Soll and staff members pointed out these: the Maryland CLU felt item B (1)(page 2) would permit discrimination as preference could be given to secular institutions, and item 5 (page 1) omits other elements of religious pervasiveness; the ACLU of Southern California believes that if an institution holds itself out as having a religious purpose, then for purposes of public aid it should be considered a religious institution; the Greater Kansas City CLU would reword item 3 (page 1) because it believes no distinction can be made between teaching about religion and indoctrination in religion; the ACLU of Michigan would amend item 5 (page 1) to add "which are displayed for religious rather than historical or artistic purposes", and eliminate items B (1 & 2)(page 2).

The Board then proceeded to discuss the specific sections of the Church-State Committee's majority report. With respect to item 1 (page 1) Mr. Maslow stated if any institution gives preference to either students or faculty of a particular denomination, this should disqualify that institution from receiving public aid. However, if the institution merely requires that one or even a majority of the members of its board of trustees or directors be members of any one denomination, that should not effect its status. Also, if a university includes a divinity school which gives preference to both faculty and students of a certain denomination, this should not disqualify the other schools in the University from receiving aid. Mr. Maslow summed up his objection by moving to bar any preferences or practices that discriminated between religious denominations among faculty or students, but not including the divinity school of a university nor the board of directors or trustees of that institution. The Board approved, with one dissenting vote, Mr. Maslow's motion to amend item 1.

Mr. Rice moved and the Board unanimously accepted the addition of "or any observances" at the end of item 2 (page 1), to meet the objection that in some schools the students are "reminded" at the beginning of the class that they are "in the presence of God." After discussing changes in item 5 (page 1) suggested by affiliates, the Board adopted Mr. Soll's motion to add "regular" at the beginning of the sentence, and at the end, "or in school areas which are pervaded by such symbols, pictures or objects which have the intent of fostering religion." A suggestion was made that paragraph 1 (page 1) should contain the Supreme Court's language in the Everson case instead of the First Amendment, mainly because the word "control" as used is ambiguous. However, the Board voted unanimously to adopt paragraph 1 as presently worded, and then approved the entire first page as amended.

The Board then unanimously approved paragraph A (1-4)(page 2). Paragraph B was discussed and after amending item 1 by replacing "Grants" with "Use" so that the phrase reads, "Use of public funds...." the Board unanimously adopted item B (1). Discussion then turned to item B (2) which, it was felt, mixed both civil liberties and non-civil liberties issues, and the Board agreed by a 7 to 3 vote to delete this item. Because of the lateness of the hour, items B (3, 4 & 5) were put off until the March 1 meeting.

The meeting was adjourned.

RESOLUTION OF THE BOARD OF DIRECTORS OF THE ACLU
ON THE DEATH OF RAYMOND BRIMAN,
ADOPTED FEBRUARY 15, 1965

The Board of Directors of the American Civil Liberties Union learned with deep sorrow of the death on February 12, 1965, of Raymond Briman, Esq., long-time ACLU correspondent in the state of Kansas. Active both as spokesman for the Union in legislative and public matters in the state of Kansas, and as a cooperating attorney in the litigational work of the Union, the Board expresses its keen sense of loss at the departure of an active and trusted member and friend.

The fruition of Mr. Briman's active representation of the Union in the formation of a new state-wide affiliate occurred just prior to Mr. Briman's death. It is to us doubly tragic that he was taken from us before it became an active one and before he could participate.

To his widow, this Board conveys its sense of sorrow and loss, and its deep sympathy in her greater loss of husband.

RESOLUTION OF THE BOARD OF DIRECTORS OF THE ACLU
ON THE DEATH OF FELIX FRANKFURTER
ADOPTED March 1, 1965

Felix Frankfurter, one of the founding members of this association, was a lifelong warrior in the cause of a free and open society. Inspired and shaped as an immigrant boy by the democracy of the New York public schools, trained as a law enforcement officer to the austere standards of his chief, Henry L. Stimson, taught indelibly by Justices Holmes and Brandeis how the Constitution can contribute to a more spacious and civilized fellowship, he served the common cause as teacher, counsellor, administrator, and judge. He looked on the law as a sacred calling, and he viewed a miscarriage of justice not simply as a misfortune to be borne but as an impiety to be cleansed away. In that spirit he gave himself bravely and forthrightly to the defense of Sacco and Vanzetti in Massachusetts and to the relief of Mooney and Billings in California. In the end, he liked to say, the most important office in our republic is that of citizen. His efforts and example have notably advanced our progress toward a self-reliant, morally sensitive and responsive citizenery. The American Civil Liberties Union records its deep gratitude for his enduring contributions to the quality of American life.

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

March 3, 1965

To: Free Speech/Association Committee

From: The Office

Re: Position on Rejection of Advertising

The Committee's policy recommendation on rejection of advertising by communications media was not reached for action at the last Board meeting. In the meantime, two additional points have been raised which the Committee may want to consider at its coming meeting, prior to Board action on the recommendation.

1. The Philadelphia affiliate of ACLU has been concerned with the rejection of advertising by communications media for some time. Its Freedom of Expression Committee has considered this Committee's recommendation of February 17, 1965, and proposed two amendments:

> "The Committee endorsed the formulation of policy recommended by the Free Speech-Association Committee of the national ACLU, with the following two amendments:
>
> 1. In the last sentence, substitute 'criteria and standards' for 'regulations.' (This would constitute ACLU's recognition that a publication could reject advertising that would not comport with the aesthetic or artistic standards that the medium seeks to maintain.)
>
> 2. Add a sentence to the effect that media which enjoy a monopoly or quasi-monopoly status, such as common carriers (taxicabs, transit companies) are, by virtue of the franchise conferred upon them by government, under an especial obligation to maintain the 'open' policy, quite apart from any legal or constitutional issue."

2. In 1963, our Radio/TV Committee considered a complaint made by the Committee for Morton Sobell. The Sobell Committee had prepared a documentary film giving its version of the history of the Sobell case. It offered the film free to several TV stations, and even offered to purchase time for running the film. Its requests

were refused.

The Radio/TV Committee treated the problem of the barring of the film as one of whether TV stations were exercising reasonable discretion in determining program content. The Committee concluded that, since the Sobell case had been the subject of a great deal of radio and TV discussion in which members of the Sobell Committee had participated, the networks were not exercising unreasonable editorial judgment in refusing air time for Sobell material, particularly in view of the networks' policy of producing their own documentaries. The Committee took no position on the broader issue of propaganda groups having the right to buy time for special pleadings -- other than to suggest the criterion of whether significant issues received adequate coverage on the air.

Jack Pemberton raises the question of whether the Sobell documentary should be considered as an "advertisement" under the proposed policy statement. If so, should there be an obligation on the part of radio and TV stations -- in addition to the current FCC requirement that important segments of opinion be fairly represented by broadcast media -- that stations not refuse to sell air time to groups who want to present their views through films, "documentaries," or other audio-visual materials. Is this any different from seeking to publish a full-page ad in the New York Times criticizing our policy in Viet Nam? Should the proposed statement deal with this problem?

AMERICAN CIVIL LIBERTIES UNION - 156 FIFTH AVENUE - NEW YORK, NEW YORK 10010

Current Membership Income (Unaudited report) as of January 31, 1965

(Not including funds locally raised and spent by affiliates, minor miscellaneous national income, bequests or endowments, or volunteers' unpaid services.)

Staffing of affiliates (34): a - office (17) b - part (3) c - clerical (2) d - none (12)	Natn'l New Jan. 1965	Aff'l New Jan. 1965	Shared & Aff'l New Jan. 1965	Shared & Aff'l New Goal for 1965	% Goal Achiev'd 1/31/65
NATIONAL HAS PRIMARY MEMBERSHIP RESPONSIBILITY - 60%					
d Arizona		342	1,820	6,500	28
b Colorado	150	22	1,455	10,100	14
a Florida	32	36	1,610	9,300	17
d Georgia	20	22	673	2,800	24
a Indiana	22	175	777	16,600	5
d Kansas	19	6	1,003	2,000	50
b Kentucky	21	20	1,592	6,500	24
d Louisiana	6	58	423	2,300	18
c Maryland	173	26	3,295	18,400	18
a Massachusetts	184	524	3,979	64,600	6
a Minnesota	108	316	2,254	29,500	7
a Nat'l Capital Area (D.C.)	127	111	7,110	27,700	26
a New Jersey	156	47	6,726	32,300	21
a New York CLU	634	325	37,109	155,300	24
a Upstate New York	88	121	3,655	20,000	18
d Oklahoma	10	6	352	2,800	12
d Rhode Island			16	4,200	-
a Texas	30	79	2,411	11,100	22
d Utah	6	6	142	1,700	8
NATIONAL PMR - 40%					
c Connecticut	(105)	26	4,706	23,100	20
d Iowa	73	55	1,140	7,300	15
d Missouri - Kansas City		25	391	2,400	16
St. Louis	17	76	1,841	6,900	26
d New Mexico	16	6	334	2,800	12
d Oregon	262	43	861	9,300	9
b Wisconsin	48	6	1,935	15,700	12
Total Integrated Natn'l PMR	2,102	2,473	87,584	491,200	18
SEPARATE NATN'L ORGANIZATION INCOME					
a Calif. Northern	278		6,052	31,700	19
Non Affiliate	387		7,225	38,500	19
Sub-total	665		13,277	70,200	19
Total National PMR Areas	2,777	2,473	100,861	561,400	18
AFFILIATES HAVE PRIMARY MEMBERSHIP RESPONSIBILITY - 60%					
a Calif. Southern	267	287	47,915	175,000	27
a Illinois	132	785	26,877	84,000	32
a Michigan	125	396	9,244	58,000	16
a Ohio	71	442	10,560	37,000	28
a Pennsylvania - Delaware	161	158	12,241	60,000	20
a Washington	43	88	9,329	37,000	25
Total Affiliate PMR Areas	799	2,156	116,166	451,000	26
TOTAL MEMBERSHIP INCOME	3,576	4,629	217,027	1,012,400	21

Mimeographed 3/4/65

AMERICAN CIVIL LIBERTIES UNION

156 FIFTH AVENUE

NEW YORK, NEW YORK 10010

March 4, 1965

To: Board of Directors

From: The Office

In connection with item 2 of the March 22 Board meeting agenda, enclosed are excerpts from a letter from Dr. William Landau, chairman of the St. Louis Civil Liberties Committee who serves as a member of the St. Louis County Decent Literature Commission. We solicited Dr. Landau's comments on his local experience to help the Board evaluate the suggestion made by Senator Ernest Gruening that a bill proposed by Senator Mundt to establish a federal Commission on Noxious and Obscene Matters and Materials should be amended to include an ACLU representative on the Commission. The newspaper clippings attached to Dr. Landau's letter reflect some of his activity in the local Commission.

ST. LOUIS CIVIL LIBERTIES COMMITTEE

933 Lay Road Phone: CH. 1-4350 St. Louis, Mo. 63124

February 27, 1965

Mr. Alan Reitman
Associate Director
American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

Dear Mr. Reitman:

....My counsel based upon my local experience would be to try to lick them by joining them. Unlike my own lonely situation, I think a national ACLU representative would find natural allies among the various representatives of publishers, etc. So long as we have not accepted Justice Black's philosophy on obscenity (the only consistent one), I believe that we are properly committed to proper judicial enforcement of obscenity statutes. It is obvious that the ambit of the Commission's charge and the terms of acceptance by ACLU would have to be quite specific so that a minority report or subsequent resignation would be well founded in the philosophy of acceptance. I further agree that the non-definitions and predetermined presumptions now implicit in Sections 1 and 9 make it undesirable, but a research provision might revise the whole concept, if it were stated as the first duty of the Commission.

As long as we do not precommit ourselves to an unacceptable position, I think ACLU might serve a very effective purpose by insisting upon specific definitions and drafting, by promoting better understanding of the First Amendment, and by supporting the necessary research proposed in 1960. I think our own tradition of tolerance as expressed by Hand and Holmes should persuade us to attempt to enter into formal constructive discourse, even with those whose premises we don't accept.

At the local level I have had my ups and downs, and have had a prepared letter of resignation under continuous modification for almost a year. Yet our Board and I believe that the overall results have been clearly positive; we have sacrificed no basic principle of the Bill of Rights.

The Art of Public Relations requires much contact with city desk and editorial staff, especially at the sympathetic Post-Dispatch. Dr. Summers' strong letter of resignation is the product of two days' persuasion (see clippings). One must try not to act as a buff for CDL's benefit while enjoying the favorable publicity of an in position.

In general I have followed the ACLU party line, insisting upon due process in refusal to accept the policy of a governmental body pointing out to the citizens what literature is either objectionable or obscene. Major emphasis has been placed on accuracy and definitions. Although our commission of seven includes three CDL members, it refused to accept the standard CDL propaganda used by the St. Louis City Commission. Although the majority has voted to display "objectionable" material in its educational talks, specific authority for the technique of such action has not been given, and the practice has not been undertaken. Should this happen,

the chairman, a good lawyer, is well aware that I will resign, and I know that he wants to maintain the approval that I represent. The educational talk we finally agreed upon was partially written by me and was also acceptable to Dr. Guze of our Executive Board. Nevertheless the usual CDL pressures persist.

When I insisted that the talk include the equivocal nature of alleged psychiatric evidence, CDL campaigned (and continues to campaign) for my dismissal. Yet the upshot was that their chief representative proposed that the Commission seek a definite opinion from local psychiatric authorities. He was quite surprised when I seconded the motion! Indeed CDL even recruited one far right psychiatrist whose wife is running a private campaign to get me fired, while she pushes the County Police Department to promote CDL propaganda.

Just last night our Washington University Campus Civil Liberties group had a seminar on Obscenity and the Law including Badaracco, the president of CDL, Webster, Chairman of the County Commission, Jules Gerard, our own law professor and vice-chairman, and me. In this atmosphere of legal excellence and challenging student questioning, Badaracco proved to be a much less potent figure than he has seemed elsewhere, where he can pull out the emotional stops à la Elmer Gantry....

I shall be interested to hear of the Board's decision.

Sincerely yours,

/s/
William M. Landau, M.D.
Chairman, St. Louis Civil
Liberties Committee

copy

St. Louis Globe-Democrat Friday, March 20, 1964

2 QUIT COUNTY DECENT LITERATURE COMMISSION

Two members of the St. Louis County Decent Literature Commission have resigned and the agency has come to a standstill because of disagreement among members on how to carry out its function.

Joseph H. Summers, chairman of the Washington University English Department, submitted his resignation to County Supervisor Lawrence K. Roos Thursday.

It also was learned Thursday that Mrs. Charles W. Beintker, a Florissant civic leader, resigned about two weeks ago because she is moving to Jefferson County.

In his letter of resignation, Dr. Summers said the primary reason for his resignation is "the burden of my work as chairman of the Department of English."

But he also questioned the public function of the commission. Dr. Summers said it is up to the courts to legally define obscenity and it is up to police to enforce obscenity laws.

Dr. Summers said "although an educational function of the commission has been suggested, this seems to imply only that the commission should support with organized publicity a speakers bureau and a showing of films, the propaganda efforts of some individuals and private groups."

He went on to say that moral campaigns should not be supported by public funds.

Comments from four other members of the seven-member body Thursday indicated two things. One, members generally agree that the commission has an educational function to perform. Two, that they can not agree on how to carry it out.

William H. Webster, commission chairman and a former United States Attorney, said "We're going through the 'why are we here stage.' Many points of view are represented on the commission. It's not a question of everyone jumping in the boat and rowing together."

Mr. Webster said the commission wants to carry out its function in a manner which does not encroach on the rights of individuals.

He said there is a question whether specific publications can be shown to organizations by commission speakers as evidence of the obscenity problem.

He cited a dispute at the last commission meeting over the use of the film "Perversion for Profit" to illustrate the problem.

Ray T. Dreher, an attorney and commission member, moved that the commission indorse the film. Dr. William Landau, a commission member and chairman of the St. Louis Civil Liberties Committee, vigorously opposed the motion and it failed for lack of a second with three commission members absent.

Mr. Dreher, who believes the film is an accurate and effective educational vehicle, said Thursday "This commission is going to fold up. Under

the present circumstances we're not going to get anything done."

Defending the commission's educational role, he said "The people should be aware of what exists but they are not. It's our duty to make them aware. After that, it's up to the individual to make up his own mind. It is not for us to declare what is obscene."

Dr. Landau said he has no intention of resigning from the commission as was suggested in a recent letter to the editor of The Globe-Democrat.

In accepting appointment to the commission last September, he said in a letter to Mr. Roos "I am opposed in principle to the existence of such a committee because I find it hard to see how it can function without becoming involved with censorship. However, I think intimate involvement with its activities may change my mind, and I shall do my best to serve well."

Dr. Landau said he stands by his prediction and his intention.

Siding with Mr. Dreher on the film Thursday was Sidney Smith, board chairman of the St. Louis Pharmacists Association. He was not present at the last commission meeting.

"I have seen 'Perversion for Profit' and I think it is a good film," Mr. Smith said. "Anyone who sees it will have his eyes opened to the fact that there's a lot of stuff around that shouldn't be."

G. Gordon Hertslet, a commission member and board chairman of the Bayless Building Materials Company, took a position similar to Mr. Webster's. Mr. Hertslet said the commission must move slowly until it can define precisely what it can do within the law.

He does not feel the commission will die through inactivity like the previous County Juvenile Review Board.

He said the commission has met five times since being created last September and the commission feels "there is a job to be done and wants to do it."

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St. Louis Post-Dispatch Wednesday, April 15, 1964

STOPS URGING DECENT BOOKS UNIT TO BUY FILM

An advocate of a movie called "Perversion for Profit" said today he would drop attempts to have it adopted by the St. Louis County Decent Literature Commission as a weapon against obscene literature.

Ray T. Dreher, attorney and commission member, defended the motion picture at a meeting of the commission yesterday. But he called on the panel to drop debate about the movie and get on with its work against obscene literature.

Dreher, treasurer of the St. Louis branch of Citizens for Decent Literature, proposed at last month's commission meeting that the commission buy the movie from the St. Louis Decent Literature Commission, a counterpart organization in the city.

Movie Under Attack

The movie came under attack from another County Commission member, Dr. William Landau, and motion died for lack of a second. Dr. Landau, chairman of the St. Louis Civil Liberties Committee, questioned the factual content and presentation of the movie.

The movie is a production of the national organization of Citizens for Decent Literature and is used by the city commission for circulation to civic groups.

Dreher said today he believes a majority of the county commission is opposed to the movie and he does not plan to push for further action on it.

Proposes Speakers' Bureau

However, Dreher said he would seek affirmative suggestions from members of the commission on how the group can carry out its work. His proposal that the commission set up a speakers' bureau to discuss obscene literature before civic organizations has not been acted on, Dreher said.

William Webster, commission chairman, indicated yesterday that the group would seek professional secretarial help from the county counselor's office.

This development came after Dr. Landau objected that certain items were missing from the minutes of the March meeting. Among these were Dr. Landau's criticism of the "Perversion for Profit" movie and an account of an interview by Webster and Dreher with the chairman of the city decent literature commission.

Omission Explained

Dreher has been acting secretary of the county commission. He denied purposely omitting these items and said lack of duplicating equipment prevented him from including them in the minutes distributed to the five commission members who were present.

Dreher said that three months ago he suggested that the commission obtain a secretary, but the idea was opposed at that time on the ground that the commission first should determine how it wished to carry on its fight against obscene literature.

The county commission has been in existence six months and has spent all its time seeking to set a policy for its operations. Prof. Joseph H. Summers, chairman of the Washington University English department, resigned recently after questioning whether the commission was a proper function of the county government.

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St. Louis Post-Dispatch Wednesday, February 3, 1965

MUNICIPALITIES URGED TO BAN OBSCENE BOOKS

The St. Louis County Decent Literature Commission urged yesterday an increase in the number of laws banning obscene literature. The commission approved a motion urging municipalities in the county that lack ordinances prohibiting pornographic materials to consider enactment of such ordinances.

The motion, submitted by Ray T. Dreher, was passed over the objection of Dr. William M. Landau, a member of the commission and chairman of the St. Louis Civil Liberties Committee.

Dr. Landau said there was already a state obscenity law and that more municipal ordinances were likely to complicate legal proceedings and would not necessarily lead to better enforcement.

Dreher argued that the action would be a service to the community and would "strengthen the over-all attitude against pornography."

He pointed out that the county obscenity ordinance only applied in unincorporated areas. "If the county has seen fit to create this commission, I see no reason why we should not urge municipalities to use their own police power," he said. "As I understand it, we are out to eliminate pornography and obscenity."

Landau Disagrees

"I think this is just flag waving," Landau said. "How would duplications of a state law serve to increase enforcement?"

The motion called also for including a copy of the county ordinance with a letter urging the municipalities to consider enacting their own ordinances.

It was noted that the St. Louis County Human Relations Commission took similar action after a county public accommodations ordinance was enacted.

William Webster, chairman of the decent literature commission, pointed out that the letter would make it clear that the county ordinance was forwarded for the information of the municipalities and not as a model.

"We may well want to examine the county ordinance with the idea of recommending changes at some time in the future," he said. "Also, the county and municipalities have different legal powers and obligations."

Model Speech Prepared

The commission unanimously approved a motion to prepare for public distribution a statement based on a commission-approved model speech on the problems of pornography.

Speeches made recently by commission members to parent-teacher and other civic groups have been well received, Webster said. The commission members discussed whether examples of obscene literature should be provided at such talks, but did not arrive at a definite policy.

The county counselor has given the opinion that it would not be improper for such materials to be displayed at a talk so long as the commission does not put itself in a position of labeling specific materials as obscene.

Panel to Be Named

Webster reported progress toward naming a nine-member panel to direct a study on the effects of pornographic materials on behavior.

Six persons were suggested for the panel at a meeting with Dr. G.H. Lawrence, president of the Eastern Missouri Psychiatric Association, and M. Denton King, dean of the Washington University Medical School.

Robert H. Felix, dean of the St. Louis University Medical School, will be consulted later after which the panel members will be announced, Webster said.

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

March 4, 1965

To: The Board

From: The Office

After discussion at several meetings in 1963 and 1964, the Church-State Committee made a recommendation concerning ACLU policy on tax exemption of property and income of religious bodies. The Committee's recommendation is attached.

Subsequently, the 1964 Biennial Conference considered the subject and made the following recommendation:

> We are not prepared to state that there is any conflict between the establishment clause and continued tax exemption for churches, nor to predict whether withdrawal of such exemption would conflict with the free exercise clause.

Both recommendations were referred to affiliates for their advice. The enclosed memorandum contains affiliate action.

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

STATEMENT ON TAX EXEMPTION OF PROPERTY AND INCOME OF RELIGIOUS BODIES ADOPTED BY THE CHURCH-STATE COMMITTEE OF THE AMERICAN CIVIL LIBERTIES UNION AT ITS MEETING ON WEDNESDAY, FEBRUARY 19, 1964

The Church-State Committee recommends to the affiliates and the Board of Directors of the American Civil Liberties Union that:

1. The exemption of property and income used for religious purposes, such as houses of worship and their endowments, and of church-related hospitals, schools, universities, and similar non-profit activities, as part of a pattern of taxation exempting many classes of non-profit associational activities, confers a genuine though indirect benefit on the religious bodies involved. However, such exemption has been so long a part of the pattern of taxation in the United States that we do not believe that any action should presently be taken by the ACLU to attempt to effect any change.

2. The Union should maintain its alertness to the dangers inherent in withdrawals and denials of tax exemption grounded upon matters of faith and creed, such as those which have been litigated where non-theistic denominations were involved. In such cases, the power to grant exemption does operate in the direction of establishment (e.g. of theistic religion in general); moreover, the denial of exemption may be a denial both of equal protection and of a measure of religious liberty to the aggrieved denomination.

3. The Union should oppose the discriminatory granting of tax benefits to religious bodies which are denied to similar classes of associations, such as the exemption of churches from the tax on "unrelated business income" imposed by Section 511 of the Internal Revenue Code of 1954, as amended. Experience under this section has shown that such discrimination in favor of religious bodies, far from reinforcing the mutual independence of church and state, has involved religious bodies in government scrutiny of intimate matters of belief, practice and canon law, and has resulted in discriminatory application as between religious bodies. The fortunately small impact of this provision, measured in quantitative terms, should not deter us from seeking to eliminate its deleterious effect upon the practices of government and its existence as a precedent.

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

March 4, 1965

To: The Board

From: The Office

Re: Affiliate Opinion on Tax Exemption of Property and Income of Religious Bodies

NORTHERN ARIZONA CHAPTER, ARIZONA CIVIL LIBERTIES UNION

A committee of 15, including 3 Board members and 12 non-Board members, met under the chairmanship of the Chapter's Church-State Committee. The acting secretary of the Chapter reports:

> The committee limited its discussion to sanctuary property. It was presumed that other property and business income of religious groups are properly taxed. There seemed no disagreement with the position that National should consistently oppose any exemptions in these areas. The majority of the committee (10-3) also felt that exemptions on sanctuary property were in violation of church-state separation and that (7-5) National should take a position on this matter. However, all members of the Committee voting (10-0) felt that as long as tax exemptions are made, ACLU should continue to oppose discrimination against certain "religious" groups in the granting of such exemptions.

ACLU OF NORTHERN CALIFORNIA

The Board reaffirmed its previous "objection to property tax exemption for religious properties, both real and personal, whether used solely for religious purposes, for income-producing or for non-religious purposes, other than property used solely for non-sectarian and non-religious charitable, welfare or educational projects."

COLORADO BRANCH, ACLU

There has been no discussion of this issue by the affiliate Board but the chairman of the affiliate's Church-State Committee reports on a membership meeting at which the subject was discussed.

> There was some agreement on the outer edges of the issue. On the one hand, it was agreed that it would be an unconstitutional discrimination against religion to tax Church-related institutions like hospitals, schools, etc., which are not taxed when not Church-related. On the other hand, there seemed to be an agreement that it was undesirable for churches to be exempt of taxes on unrelated business taxable income. However, since there was general agreement on the premise that religious institutions should not be treated differently merely because they are

(over)

religious, the thought seemed to be that there ought not to be tax exemption on UBTI for other kinds of non-profit institutions either.

In the larger area between these outer edges there was less consensus. I am inclined to think that a majority of the group was of the opinion that the questions of tax exemption on property used for specifically religious purposes and of exemption of gifts to religious institutions on personal income tax were matters of policy which the constitution neither requires or forbids. Even among those who were inclined to think these either unconstitutional or otherwise undesirable, there was doubt whether there were any practical political remedy: I gather that it is virtually impossible to test the constitutionality in the courts because of the rules about standing to sue (if that is the right terminology); and it is extremely unlikely that any congress or legislature would be willing to change the present laws on this type of tax exemption.

ILLINOIS DIVISION, ACLU

At its January 28, 1965 meeting the Illinois Division Board adopted the following statement:

Without disagreeing with paragraphs 2 or 3 of the Proposed Statement or with the conclusion in paragraph 1 that no action should be taken on non-discriminatory tax exemption at this time, we believe that paragraph 1 unnecessarily obscures the applicable constitutional principle.

Accordingly, the revision proposed herewith states flatly that such tax exemption confers genuine and major benefits which are often unconstitutional depending upon the institution receiving the benefit of the exemption. In order to avoid the definitional problems inherent in any reference to "church-related" institutions, the statement has been revised to keep the focus on tax exemption by reference to churches and "other church institutions." Reference to the length of time such tax exemption has been a part of taxation patterns has been omitted as only one of the reasons for inaction at this time and to give less emphasis to the argument which bases a claim of validity on longevity of occurrence.

ACLU should affirm that inclusion of church schools in a law exempting all other schools from taxation is not constitutionally required. Notwithstanding the fact that such tax exemption is probably unconstitutional, ACLU can and probably should conclude that the time is not ripe to undertake a test case at this time if for no other reason than that such a decision would probably result in a constitutional amendment weakening the separation of church and state.

For the foregoing reasons the Illinois Division, ACLU recommends that paragraph 1 of the National Church-State Committee statement be revised as follows:

1. The exemption of property and income used for religious purposes, such as houses of worship and their endowments, and other church institutions as part of a pattern of taxation exempting many classes of non-profit associational activities, confers a genuine and major benefit on the religious bodies involved. Such benefits often constitute aid in violation of the First Amendment. However, we do not believe that any action should presently be taken by the ACLU on this subject at this time. Nevertheless, such exemption is not constitutionally required, and any extension of such exemption should be opposed.

In addition, the Illinois Division recommends the insertion of the underlined words in the second sentence of paragraph 2 of the statement: "In such cases, the power to grant, withdraw or deny exemption does operate in the direction of establishment (e.g. of theistic religion in general); moreover, the granting, withdrawal or denial of exemption...."

CIVIL LIBERTIES UNION OF MASSACHUSETTS

Excerpt from October 9, 1964 CLUM Executive Committee minutes:

Mr. Holmes reported for the Church-State Committee on the question of tax exemption for religious bodies, giving the differing opinions of the members of the Committee. The ACLU statement and a redraft of paragraph 1 were distributed for study and comment. After a full discussion it was VOTED: that the ACLU statement be approved. It was suggested that in reporting our vote to the national office attention should be called to the fact that paragraphs 2 and 3 were endorsed unanimously but that there was a division of opinion in both the Church-State Committee and in the Executive Committee regarding paragraph 1, approval carrying in the Executive Committee by a vote of 8 to 5. It was the consensus that the matter is so complex that further study should be made.

ACLU OF MICHIGAN

Rolland O'Hare, Chairman of the affiliate, has sent the following report:

In the discussions of the Michigan Board on this subject, at least three positions were plain. The largest group, approximately one-half of the Board, agreed entirely with the positions spelled out in the Illinois Division statement. A smaller group agreed with the Illinois Division position except that it was worried that adoption of that position, particularly the first numbered paragraph, would foreclose ACLU intervention in an appropriate court challenge to tax exemption practices offensive to the First Amendment. The third group, approximately a third of the Board, was concerned about using religious purposes or church affiliation as a reason for granting or denying exemption; this group thought that there were some serious First Amendment problems involved in excluding church-related hospitals, schools, orphanages and the like from tax exemptions allowed other hospitals, schools or orphanages.

A motion to adopt the Illinois Division position lost by an even thirteen-thirteen vote, with the chair supplying the tying negative vote.

Subsequently, a motion to adopt that position with the deletion of the second from the last sentence in the first numbered paragraph was passed by a substantial majority.

On the first vote, the second and third groups described above voted against adoption. On the second vote, with the deletion of the language offensive to the second group, it joined with the first group to supply a majority.

The first numbered paragraph of the Illinois Division statement, as amended by the Michigan Board, would read:

(over)

"1. The exemption of property and income used for religious purposes, such as houses of worship and their endowments and other church institutions, as part of a pattern of taxation exempting many classes of non-profit associational activities, confers a genuine and major benefit on the religious body involved. Such benefits often constitute aid in violation of the First Amendment. Such exemption is not constitutionally required, and any extension of such exemption should be opposed."

There was no expression of opinion by anybody taking any of the three positions set forth above in support of the reliance in the National Church-State Committee's proposed statement upon historical inactivity as a basis for withholding present action. The language which the Illinois Division struck from the first numbered paragraph with respect to that subject had no adherents on the Michigan Board.

There appeared, on the other hand, to be considerable sentiment for intervention by ACLU in an amicus capacity in an appropriate court challenge to tax exemption for churches and church-related institutions.

ST. LOUIS CIVIL LIBERTIES COMMITTEE

At the affiliate's Executive Board meeting of January 26:

It was moved that this Committee advise National to have a stiff line against tax exemptions on unrelated business property and income of churches and church related institutions.
Passed 6 to 5

It was moved that this Committee advise National that church related secondary institutions be given the same consideration as other non-religious institutions in the matter of tax exemptions.
Passed unanimously

It was moved that this Committee advise National to support the traditional American practice of tax exemptions for the meeting place and the ground on which it stands of every religious body.
Passed by a majority

UPSTATE NEW YORK DIVISION, ACLU

This opinion represents three-fourths of the UNYD Board.

There is general agreement with the Meserve-Pemberton statement of February 17, 1964. However, there are the following comments:
1) One thinks paragraph 2 confuses principle with expediency and strategy.
2) One feels exemptions are unconstitutional, but not an ACLU problem -- we should leave it alone.
3) Central New York Chapter had no disagreement with paragraphs 2 and 3, but was particularly bothered by paragraph 1, and will make no recommendations on it because they intend to delve into it this year.

NB. The first individual (above) added that a franker statement would have admitted the violation of principle but would have advised no action at this time on pragmatic or strategic grounds.

GREATER PHILADELPHIA BRANCH, ACLU

In submitting the minutes of a February 18 Board meeting devoted solely to this issue, Spencer Coxe, executive director of the affiliate, says:

> I think our discussion here was further evidence of the fact that ACLU is not ready at this time to issue a policy statement on this complex issue. As you see from the extremely close votes on most of the resolutions, there is no consensus here, and I don't think there is on the national board or in the other affiliates. I feel rather strongly that until a consensus emerges, it would be irresponsible to issue a comprehensive statement committing ACLU.
>
> I believe what is called for is an elaborate formulation of the issue in all its complexity, outlining the many facets of the problem (including a discussion of the tax laws of the states, and the provisions of the federal excise tax laws, the FICA provisions, and many others). This formulation would be as lengthy as the paper put together several years ago on obscenity. It would then be circulated and mulled over for a couple of years.
>
> While my board did not specifically endorse the proposal I've made in the preceding paragraph, there was an implied reluctance to have ACLU make policy statements in this field.

Excerpt from Greater Philadelphia Branch Board Meeting, February 18, 1965

> Mr. Sawyer, in outlining the history of ACLU's study of this problem, pointed out that it raises a conflict between the establishment and free exercise clauses of the First Amendment. The Board should address itself to the proposed tripartite statement of policy prepared by the Church-State Committee of the national ACLU (hereinafter referred to as the national statement). He called attention to the recommendation of the Philadelphia ACLU's Freedom of Expression Committee as set forth in its minutes* (hereinafter referred to as the committee recommendation). This recommendation, Mr. Sawyer pointed out, endorses paragraph 3 of the national statement in principle (dealing with Section 511 of the Internal Revenue Code), and counsels the national ACLU to remain silent on paragraphs 1 and 2, while making clear that silence does not imply a conclusion that no civil liberties issue is raised by tax exemption.

> * The ACLU should oppose as discriminatory the granting of tax benefits to religious bodies which are denied to similar classes of associations, such as the exemption of churches from the tax on "unrelated business income" imposed by Section 511 of the Internal Revenue Code. ACLU should assist in bringing appropriate action in the courts, if this should be necessary to test the granting of such benefits.
>
> Opposition to particular benefits conferred upon religious bodies does not imply that there may not be other more fundamental violations of the principle of separation of church and state in the pattern of exemption of property and income used for religious purposes and of church-related non-profit activities.

(over)

Mr. Hannold moved that the first paragraph of the committee recommendation be adopted. Mr. Goldberg spoke against the motion, advocating that the Board begin by considering the basic questions raised in paragraph 1 of the national statement. In his view, tax exemption for churches and church-related institutions is indeed an aid to religion, and is thus establishment and a violation of the Constitution. Tax exemption is as much "aid" as are grants or subsidies. This equation was challenged by several. Mr. Sawyer pointed out that aid-by-not-taking is intrinsically limited (to the amount that could be taken) whereas aid-by-giving is theoretically unlimited.

Mr. Poul observed that in the absence of a discriminatory context, it was doubtful that mere failure to tax represented the kind of aid that would rise to "establishment": whether particular organizations are simply omitted from the basic tax imposition, or are carved out by way of exemption. Non-taxation may be distinguished from affirmative grants on the ground that the latter involve a kind of imprimatur -- a special recognition that is not necessarily implied in a decision not to seek tax revenue from a particular source.

Mr. Beardsley suggested that the criterion for exemption be "good works," and that religious properties and income would be exempt if they qualify as a form of good works, not qua religion. But others pointed out that this standard would put government in the untenable position of comparing one religion to another, and would result in favoring those religions and those properties devoted to good works at the expense of denominations and enterprises dedicated solely or mainly to devotion or prayer.

The question (i.e., approval of the first paragraph of the committee recommendation) was moved. Mr. Goldberg repeated his objection that the adoption of the committee recommendation in whole or in part was sterile, since it avoided decision of the main issue. The vote on the question was 9 to 8 in favor.

Mr. Mann then moved that the Board approve the following amended version of paragraph 1 of the national statement:

> The exemption of property and income used for religious purposes, viz., houses of worship and their endowments, as part of a pattern of taxation exempting many classes of non-profit associational activities confers a genuine though indirect benefit on the religious bodies involved, which we believe to be an establishment of religion.

It was asked whether this motion implied that the "establishment" constituted a violation of the First Amendment, as was specifically stated in the Illinois ACLU's recommended version. Mr. Sawyer stated that an "establishment" is sometimes necessary in order to avoid impairment of "free exercise" as in the case of chaplains in the armed services. Therefore, the motion does not necessarily imply that ACLU should oppose the "establishment" as a violation of the First Amendment; in the case of the chaplaincy ACLU prefers establishment to impairment of free exercise.

The Board voted 8 to 8 on Mr. Mann's motion, and Mr. Sawyer voted in favor of it to break the tie, on the grounds that the motion was simply a statement of legal fact.

A motion was made to broaden the scope of the Mann motion by adding the other categories of religious properties in paragraph 1 of the national statement which Mr. Mann had excluded from his motion, viz., "church-related hospitals, schools, universities, and similar non-profit activities." Mr. Schauffler asked what harm was done by continuing the traditional pattern of tax exemption for religious properties. He observed that the primary purpose of the First Amendment is to guarantee religious liberty, and that so long as theoretical breaches of the establishment clause do not impinge upon religious freedom, ACLU should not waste time on them. Mr. Mann replied that in fact the source of the First Amendment was the Virginia Remonstrance, leveled against a proposed tax to be used without discrimination for the support of every denomination in Virginia, in proportion to the number of communicants in each. Tax exemption -- also without discrimination -- constitutes the same type of aid to religion.

The motion was defeated by a vote of 8 to 7.

Mr. Zucker observed that the Board had not taken inconsistent positions. In the first motion the Board had objected to according a special (and preferred) status to religious property vis-a-vis property of other non-profit institutions that are not religious; in the second motion the Board in effect suggested that certain religious property be given a special (and unpreferred) status, vis-a-vis non-religious property.

Next the Board approved, by a vote of 12 to 2, a motion asking the national ACLU to take no action at this time to press for a judicial determination of any of the issues raised in paragraph 1 of the national statement. Opponents of this motion argued that there is no reason to believe that the future will be any more propitious than the present to raise the issue.

The Board then approved, by voice vote, and without dissent, a resolution calling upon the national office to refrain from issuing a policy statement on Section 511 alone. To comment only on Section 511 and say nothing about the issues raised in paragraph 1 of the national statement would make it appear that ACLU regards Section 511 as the chief, or perhaps the only, issue.

Finally, the Board approved by a voice vote a motion calling on the national ACLU to reject the argument set forth in the second sentence of paragraph 1 of the national statement, viz., "...such exemption has been so long a part of the pattern of taxation in the United States that we do not believe that any action should presently be taken by the ACLU to attempt to effect any change."

CENTRAL TEXAS CHAPTER, TEXAS CLU

At a January 6 Board meeting, tax exemption for churches was considered and voted on: four favor it, nine oppose it, two abstained.

WISCONSIN CIVIL LIBERTIES UNION

At its January 9, 1965 Board meeting, the affiliate adopted the Fellman statement, which follows.

(over)

First, as to the tax exemption of church property, I think that this issue has been settled by history. We have had tax exemption of church buildings and other property used for worship since the beginning of the Republic. It is a universal principle embodied in both state and federal law. Furthermore, we must bear in mind that many other non-profit institutions of a charitable or philanthropic character, also enjoy tax exemption for reasons of public policy, which are comparable to those reasons which relate to the religious exemption. If we should remove the tax exemption from the churches and not apply the same rule to the other groups, I think we would be guilty of discrimination against religion, which I think is clearly contrary to the spirit of the Constitution. I do agree, however, that the exemption should not extend to property which produces income and is used in ordinary ways merely because the property is owned by a religious body. Thus, I would say that the church building is tax exempt, but that if someone leaves an apartment house to the church, the income of which goes to the church, then that apartment house, not being a place of worship, should be subject to ordinary property taxation.

file —

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York, New York 10010

MINUTES

Due Process Committee Meeting
Wednesday, March 10, 1965 - 4:45 pm
ACLU Office

Present: Mr. Ennis, presiding; Judge Dorothy Kenyon, Messrs. Dorsen, Levy, Lusky.

Staff: Messrs. Pemberton, Wulf, Bucholz.

Guest: Mr. Ross.

1. Clemency as a Civil Liberties Issue: Mr. Wulf discussed the history of the debate within ACLU over whether clemency is a civil liberties issue, and summarized his memorandum of February 2, 1965.

Professor Lusky restated the view previously advanced by Alan Reitman: The ACLU has been concerned primarily with issues and principles developed from the provisions of the Bill of Rights. If we were to change our policy to permit participation in clemency appeals, we would have to switch our emphasis from issues to individuals, and this would drastically change the nature of the organization.

Mr. Ennis suggested that we might not want to foreclose the possibility of joining in a clemency appeal in a particular case, especially if a civil liberties issue is present, but that we should not urge the Board to adopt the policy of considering support for all clemency appeals. He thought we might have some interest in the Ginsburg obscenity case, presently pending on petition for certiorari, in the event the conviction is affirmed, because of the severity of the sentence and the likelihood it will operate to stultify adventurous expression in areas not clearly protected by the First Amendment. There will be few writers and publishers who will want to risk a five-year prison term for a risqué novel.

Mr. Lusky suggested that there would be no bar to ACLU's participation in clemency appeals in Smith Act convictions since we have believed all along that the law is unconstitutional.

After further discussion, the Committee agreed that four types of cases might warrant ACLU's participation in a clemency proceedings:

A. When conduct which ACLU believes is constitutionally protected is made the subject of a criminal conviction and the conviction is affirmed, ACLU participation in a clemency appeal could rest on the same basis as our opposition to conviction. Some examples suggested by the Committee include Smith and McCarran Act prosecutions, and obscenity prosecutions where ACLU determines that the work should be clearly protected.

B. ACLU might want to join in a clemency appeal where the case involves civil liberties questions but where it is not clear whether or not conduct is protected by the Bill of Rights, on the grounds that the imposition of a penalty in the circumstances may have an adverse effect on civil liberties. The Ginsburg case was cited as one example. Many obscenity prosecutions might be included in this category, if the trials are fair but there is some doubt as to whether the material is or not obscene.

C. ACLU might well want to join in a clemency appeal in a case where there is no dispute as to the substantive law applied, but where the punishment meted out is so grossly disproportionate and excessive as to be cruel and unusual. See the dissent by Mr. Justice Goldberg from the denial of certiorari in Rudolph v. Alabama, -U.S.-, 11 L. ed. 2d 119 (1963).

D. The Committee felt that a fourth possible clemency case for ACLU would be one in which there was substantial evidence of discriminatory sentencing. An example cited was the general discrepancy in the South between a penalty assessed against a White accused of raping a Negro and the punishment meted out to a Negro accused of raping a White.

The Committee also discussed whether death penalty cases merited ACLU concern on the issue of clemency. It was suggested that clemency might be urged as a means of preserving a remedy when there is some indication in a particular case that proof of innocence could eventually be established. As to this category, the Committee felt its position ought to be contingent on the decision of forthcoming Plenary Board meeting which will discuss ACLU's general position on capital punishment.

The Committee concluded that even if the Board adopts a policy opposing the death penalty, the Union could not possibly undertake clemency proceedings in all death penalty cases. The most we could hope to do with our resources would be to enter clemency proceedings in those cases where there are some unusual circumstances, such as reasonable doubt of guilt.

The Committee agreed that it should not present to the Board a recommendation for a general policy on clemency. The Committee felt more meaningful consideration would result if it were to present to the Board individual cases within the above categories as such cases arose.

2. Radio and TV Broadcasting of Legislative Investigations: The Committee briefly discussed the action of the Free Speech/Association Committee in rejecting its recommendation that all radio and TV broadcasting of legislative hearings be barred. The Committee decided that it could not agree with FS/A and that it would not change its position. However, in view of the fact that the Committee will shortly discuss a wide area of due process protections in legislative investigations, it was agreed to delay the submission of the recommendation to the Board until a general statement on due process in legislative investigations is adopted by the Committee.

3. Arrest Records: The Committee considered 3 papers previously distributed: the Norman Dorsen memorandum, the memorandum prepared by Nanette Dembitz for the NYCLU, date 12/30/64, and the Wulf memorandum of 2/2/65.

The Committee first discussed the problem of the incompleteness of local and FBI arest summaries. The FBI claims to be a mere collection point for information from local law enforcement agencies. If the latter neglect to report that an arrest resulted in an acquittal, there is nothing the FBI feels it can do about it. Mr. Lusky suggested that we might propose a simple way to let arrested persons include their own evaluation of their arrest records by sending a form post card to the FBI on which they could indicate whether they were convicted or acquitted, whether the arrest was in connection with a civil rights demonstration, or whether alibi, mistaken identity, etc., were claimed. Such information would have no legal significance in any court proceeding; its effect would really be aimed at potential employers who might be unduly swayed by the existence of a prior arrest. It was agreed that we should first attempt to obtain a copy of the reporting form which local law enforcement agencies send to the FBI files, and also a sample of the kind of arrest report which the FBI furnishes to law enforcement agencies in return, in order to see what kind of information is currently included in arrest files.

Mr. Pemberton stated that the major problem stemming from incompleteness of arrest reports is not so much the possibility that the person arrested may have subsequently been acquitted, but the fact that a majority of arrests may not even end in prosecution, let alone conviction.

Mr. Dorsen thought the Committee should first clarify its goal before discussing specific remedial measures. Obviously, if the Committee is concerned about use of FBI arrest records by other governmental agencies, then recommendations on administrative procedures governing arrest records should follow, including, perhaps, a ban on solicitation of information on mere arrests. If we are concerned with the way records are used by local enforcement agencies, then a legislative approach in individual states might be needed.

Another question raised was the relevancy of repeated arrests for similar offenses, when not followed by a conviction, to certain types of sensitive employment. For instance, are several arrests for embezzlement relevant to applications for bank teller employment? It was generally agreed that this is one of the most difficult questions the Committee will have to face and that the Committee should not attempt to tackle it initially. Mr. Pemberton stated that in any position which is truly sensitive, there is bound to be a close check on the entire life history of an applicant, and that any normal investigation will be bound to turn up information on prior misconduct, if there has been any. Using arrest records as a shorthand way of disqualifying persons with a history of repeated arrests for sensitive positions is not fair to either the applicant or the employer, and a thorough investigation of an applicant's background should be relied upon instead to disclose relevant information.

Mr. Lusky thought that, instead of seeking to restrict information contained in arrest records, it might be desirable to expand such information. To him, much of the unfairness in arrest records is their summary nature and the fact that they are compiled in an inconsistent manner without the knowledge of the individual affected. He reiterated his suggestion that information obtained from the arrested person should be included in the record itself -- for instance, the assertion that a plea of guilty was entered because counsel advised the person arrested to so plead. This would insure that a question as to the meaning of the notation of arrest would be raised in the minds of persons who place undue reliance on an arrest record.

Another concern expressed was whether there is an equal protection argument in the use of arrest records. It is undoubtedly true that most person arrested are in minority groups and of low economic and social status. Often they are arrested, not because of criminal conduct, but because they are trapped by their environment in areas where crime frequently takes place -- for instance, the crowd of onlookers arrested at the scene of a street fight in a congested neighborhood. The very existence of arrest records works a greater injustice on these person than it does on persons who live in wealthy suburban areas where such street arrests do not as a rule take place.

Last, the Committee took up the question of the difficulties experienced by an individual in attempting to gain access to his arrest record. Mr. Bucholz stated that some cities, but not all, permit individuals to inspect their own arrest records at police headquarters. Even if the difficulties of seeing one's own arrest record are met, it may be impossible to correct plain errors in it. Mr. Bucholz and Mr. Lusky reported cases in their experience which showed that arrest records can contain misleading or incorrect information, such as a statement that a person was arrested for a felony when in fact the crime was a misdemeanor.

Mr. Ennis summed up the Committee consensus as follows:

1. There is no doubt in the Committee's mind that any individual ought to be able to get his arrest record from the FBI either directly or through his local police department. Adequate safeguards would have to be incorporated into any administrative procedure to protect privacy of arrest records from disclosure to unauthorized persons.

2. Arrest records should always contain a notation whether a person arrested was convicted, acquitted, or released without prosecution.

3. Arrest records ought to allow some opportunity for explanation by the person arrested as to the circumstances surrounding his arrest and prosecution.

The Committee asked Mr. Bucholz to prepare a memorandum summarizing the specific recommendations made by members of the Committee and analyzing the arrest records problem in terms of suggested specific actions for ACLU and in the light of the three previous memoranda on the problem. It was also suggested that the memorandum include an analysis of the actual workings of statutes which purport to authorize the destruction of arrest records when an acquittal takes place.

S.W. file

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

March 11, 1965

To: the Board

From: the Office

Re: Further Affiliate Opinion on Tax Exemption of Property and Income of Religious Bodies

KENTUCKY CIVIL LIBERTIES UNION

The KCLU board "supports property tax exemption of eleemosynary and religious property which is being used for religious or eleemosynary services. This includes property of non-theistic religious groups. It voted, however, that there should be no income tax exemption for unrelated income of church or charitable organizations, and that property tax should be levied on all property owned by religious and charitable organizations which is not used for eleemosynary or religious services; that this property should be subject to the same taxes as private individuals or businesses."

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

March 11, 1965

To: The Board

From: The Legal Department

Subject: Request for Marshall Fund Grant

The Legal Department's budget for 1964 was $15,000. Total expenditures were $26,391.15. We request a Marshall Fund grant of $11,391.15 to cover excess expenditures, the money to be allotted to the following cases:

Dombrowski v. Pfister. U.S. Supreme Court. Constitutionality of Louisiana Subversive Activities Control Act.	$2203.37
Marks v. Esperdy. U.S. Supreme Court. Constitutionality of Federal statute expatriating native-born citizens who serve in foreign armies.	1499.94
United States v. Mississippi. U.S. Supreme Court. Constitutionality of Mississippi voter-registration laws.	1427.87
Pate v. Page. U.S. Supreme Court and Oklahoma courts. Coerced confession, prejudicial pre-trial publicity, state procedure for determining insanity prior to execution.	1726.26
Stanford v. Texas. U.S. Supreme Court. Constitutionality of Texas Communist Suppression Act.	2785.07
Veterans of the Abraham Lincoln Brigade and American Committee for Protection of the Foreign Born v. Subversive Activities Control Board. U.S. Supreme Court. Constitutionality of Communist Front provisions of the Subversive Activities Control Act.	847.22
Smith v. Mississippi. U.S. and Mississippi courts. Systematic exclusion of Negroes from jury service.	901.42
	$ 11391.15

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AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York, New York 10010

MINUTES

Free Speech/Association Committee Meeting
Friday, March 12, 1965, 12:30 p.m.
ACLU Office

Present: Mr. Soll, presiding; Miss Fingerhood; Messrs. Crowell, Millis, Lowenstein.

Staff: Pemberton, Reitman, Wulf, Bucholz.

Mr. Soll reminded Committee members of the special evening meeting to take place on March 24, 1965 at 6:15 p.m. at which the right of privacy and free speech will be discussed.

Approval of Minutes: The minutes of the last meeting were ordered corrected to show that Mr. Crowell voted for the Channick recommendation and to amend the last sentence on page 2 to read: "Mr. Crowell stated that the matter, in the final analysis, should be left to the responsibility of the publishers."

1. Restrictions on the Dissemination of Propaganda: Mr. Lowenstein summarized his memorandum of January 4, 1965 on the impact of the Foreign Agents Registration Act and other laws on the distribution of campaign material and propaganda and suggested four major areas meriting Committee concern:

A. A federal statute (18 USC 612) punishes distribution of material concerning candidates for federal office when such material does not contain the name of the persons or organization responsible for its production or dissemination. There are also statutes and ordinances in several states and municipalities which contain requirements that all printed matter or that literature relating to an election campaign bear the name of a publisher or distributor.

B. The Foreign Agents Registration Act provides that when material is distributed by "foreign agents" within the United States it must be labeled as "propaganda" produced by a foreign agent.

C. The Act also provides that all persons who are paid to represent foreign governments, such as public relations men and attorneys, must register as "foreign agents" with the Department of Justice. Registration statements must contain exhaustive information on the registrant's business and non-business activities.

D. From the early 1940's to the present date, a variety of programs instituted by the Department of Justice, the Bureau of Customs and the Post Office, have attempted to prevent or hinder the import of so-called "foreign political propaganda" into the United States. The early history of the program was related to the Foreign Agents Registration Act, while its present version is authorized by a separate statutory provision, 39 USC 4008. Under the program, political material from abroad has often been labeled as "propaganda" by the Federal government.

As a preliminary matter, the Committee agreed not to consider the question of post office censorship of foreign political propaganda, the last items listed above, because ACLU has a well-defined position on it, and because cases testing the constitutionality of the program are now pending.

As to A above, the United States Supreme Court held in Talley v. California, 362 U.S. 60 (1960) that a blanket requirement for labeling all handbills with the names of those responsible for dissemination was an unconstitutional abridgment of free speech. ACLU's position appears to agree with the Court in Talley, but we also have expressed agreement with the 18 U.S.C. 612 on the grounds it is a limited measure necessary to preserve the integrity of the election process against anonymous and unfounded last-minute charges which cannot be answered before the election. Mr. Soll wondered whether ACLU's position was supported by its reasoning, in view of the federal statute's application to the entire election period rather than merely to the last-minute campaigning.

As to B above, the labeling of material distributed in the United States by registered agents of a foreign government, the Committee had some difficulty. Although the ACLU has not opposed the labeling requirement for foreign material, its position would seem to be inconsistent with its position on material circulated by domestic sources, as in the Talley case. Mr. Millis and Mr. Soll questioned whether there was any real basis for distinguishing between material circulated by a foreign government and material circulated by an American group. Mr. Lowenstein replied that a distinction could be based on the probably selfish motivation of a foreign government to undermine U.S. policy or destroy its effectiveness, as opposed to the motivation of an American circulating material, which, though critical, is more likely to be

well-intentioned. Mr. Soll suggested that an American corporation with a substantial stake in Katanga might circulate material much more deleterious to American interests than the Congolese Government would.

Mr. Soll stated that he could not see any real basis for the distinction between labeling political material from a foreign source and not labeling material from an American source. He suggested that a closer examination of ACLU policy statements on this score be made. Other members of the Committee concurred and suggested the matter be discussed again at a subsequent meeting. In addition, members felt that there may be a separate but related problem arising from the fact that material circulated by a foreign agent in the U.S. must be labeled with the word "propaganda," which carries a derogatory implication as to its reliability and value, while material from citizens or domestic organizations does not have to be so designated.

As to the registration requirements for agents of foreign governments, the ACLU has not opposed such registration in the past on the grounds it is desirable to disclose the usually secret relationship between a spokesman and the foreign government on whose behalf he is paid to act. The theory behind the Act and ACLU's position seems to be that the public and the government have a right to know to what extent foreign governments are directly intervening in American affairs, most particularly through the expenditure of money to influence votes or policy decisions. In the same vein, ACLU has not opposed statutes requiring disclosure of the activities of paid lobbyists in state and federal governments. The Committee felt that there was no real ACLU issue in the registration requirement for foreign agents, but that some of the questions asked in the registration forms dealing with the non-business activities of foreign agents might constitute an invasion to privacy or a hindrance to the exercise of First Amendment rights, particularly those questions dealing with membership in private organizations. It was suggested that the registration forms be obtained and examined closely on this score.

2. <u>Rejection of Advertising</u>: Since the last meeting at which the Committee adopted a proposed statement on the rejection of newspaper advertising, the Greater Philadelphia affiliate has considered the question and submitted its views to the office, copies of which have been previously circulated. The major question raised by the Philadelphia affiliate is whether publicly-owned facilities such as subways and buses should be under a more stringent requirement to accept advertising than the moral imperative contemplated in the proposed statement, and whether publicly regulated facilities such as licensed common carriers and radio and TV stations should similarly be compelled through the regulatory framework to accept advertising with whose contents they disagree.

On the question how governmentally owned advertising space on a subway or transit authority should be treated under the Committee's statement, one member voted for the proposition that such public facilities should be under a moral obligation similar to that of private newspaper owners. Another Committee member voted for the suggestion that such facilities should have a special moral obligation -- but not a binding legal one -- to allow use of advertising space for the expression of ideas on a non-discriminatory basis. Three members of the Committee voted for the proposition that public-owned facilities have an enforcible legal and constitutional duty to make space available for advertising on a non-discriminatory basis.

As to privately owned but publicly regulated media, particularly radio and television stations, the Committee had some difficulty in reaching a decision to whether there exists any special obligation beyond that suggested for newspapers. The Committee reviewed a 1963 incident in which the Committee for Morton Sobell sought to purchase TV time to run a "documentary" on the Sobell case. Their application was denied by a TV network on the grounds (a) that the network had a policy of running only its own documentaries and (b) that it had previously carried programs about the Sobell case in which several of the Sobell Committee members participated. The Radio and TV Committee agreed with the network, as reported in its minutes of June 6, 1963. The FS/A Committee was asked whether it agreed with the Radio and TV Committee's position and if not, whether any changes should be made in its proposed statement on advertising to take account of the Sobell situation and others like it.

The Free Speech Committee concluded that it could not agree with the Radio and TV Committee's rationale. It viewed the Sobell documentary as an advertisement for an unpopular point of view and could not see any distinction between it and films prepared by the Democratic and Republican Parties which are shown on TV -- on purchased time -- during election campaigns. The Committee felt that networks would not ordinarily refuse to accept such films (some of which are styled "documentaries") on the grounds that the network likes to prepare its own films or on the grounds that the issues treated in the film have already been covered.

The Committee concluded that because of the limited time available, radio and TV networks obviously could not accept all advertisements, whether styled "documentaries" or otherwise, regardless of length. Three possible positions were suggested:

A. The same moral obligation which the Committee proposed govern newspaper decisions in the rejection of advertising should apply to radio and TV stations. Votes: 0

B. If radio and TV stations air programs which present one side of a specific social, economic or political issue, they should be under a special obligation to take advertisements presenting the other points of view on that issue. Votes: 3

C. Whatever network or station policies govern the acceptance or rejection of political advertisements -- whether such policies relate to length, style, taste -- that policy must be applied equally to all political advertisements, regardless of their content. In other words, a station or network may not refuse to take a political advertisement merely on the basis of its point of view. Votes: 2

In view of the complexity of the issue, the Committee felt it would not be desirable to include any language on this problem in the proposed draft at this point, but that the matter should be referred to the Radio-TV Committee for its views and that appropriate reconsideration of the statement should be undertaken afterwards.

3. Free Speech Rights of Governmental Employees: Mr. Wulf summarized the ACLU's past concern with this problem in the controversy over whether military personnel had free speech rights and in the Committee discussion of Turner v. Kennedy, where an FBI agent was dismissed because of intemperate public criticism of his agency and his superiors. Mr. Wulf reported that a request for assistance in the case of Arthur Payne had recently been made to the office. Arthur Payne was an employee of the Panama Canal Company, the federal agency which runs the Canal and administers the Zone. Payne worked as a budge officer for the Canal Company and had 15 years of tenure. He was not in a sensitive or policy making position.

At the time of the Canal Zone riots in 1964 over the flying of the U.S. and Panamanian flags, Payne wrote a poem critical of the company and of U.S. policy. He also distributed two letters, one written by someone else and one by him, lambasting U.S. actions in the Zone. Subsequent to the riots, he was charged with: (a) conduct unbecoming a civil servant because of publication of "libelous statements" about the head of the Panama Canal Company; (b) violating specific orders not to distribute letters critical of the Company and U.S. policy; and (c) violating Company regulations requiring clearance before publishing such material. A Company hearing officer ordered him suspended for 31 days. The President of the Panama Canal Company reviewed this action and ordered Payne fired. The Civil Service Commission on review sustained the charges and the firing. The next possible step is a suit in a Federal Court challenging the discharge on First Amendment grounds.

Miss Fingerhood wondered whether the firing could be based on the power of the executive to direct foreign affairs. Certainly, if a

U.S.I.A. employee were ordered not to make derogatory remarks in the local press about the population of the country in which he is stationed, there would be a legitimate basis for sustaining his discharge if he violated the order. Mr. Wulf replied that Payne's position could not be compared with that of a U.S.I.A. officer, in that Payne was not doing sensitive work and had nothing to do with policy-making. Mr. Wulf thought the case could be viewed as an unjustified incursion on the free speech rights of government employees, in the absence of a clear showing that the particular speech on which the firing was based triggered the rioting.

Mr. Soll wondered whether the essential issue in the case is the extent to which a governmental employee can publicly lampoon the head of his agency. He noted that the language used by Payne was clearly directed at the head of the Canal Company and impuned the latter's motives and personal integrity.

Mr. Soll asked whether the Committee could distinguish Payne's situation from that of an ordinary U.S. citizen who happened to be traveling in the Panama Canal Zone at the time of the rioting. If the latter were to make anti-Panamanian statements, could the U.S. State Department revoke his passport? Mr. Pemberton thought that the federal government is powerless to punish mere speech made by an American citizen either in this country or abroad. The question, he thought, is whether the difference in status between an ordinary citizen and a governmental employee in a nonsensitive position is sufficient to limit the protection accorded by the First Amendment.

Mr. Millis stated that we might enter the case on the limited ground that the punishment accorded for mere speech was excessive or disproportionate to the offense. Mr. Soll concluded that the Committee seemed to be divided, two members having expressed some interest in the case and one member remaining undecided. It was agreed that the proposal for ACLU participation should be put before the Board, in view of the vote and the necessity of giving Mr. Payne a quick answer on ACLU's intentions.

Next Committee meeting: April 16, 1965, 12:30 p.m. at the Union's offices

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

AGENDA

BOARD OF DIRECTORS MEETING

MONDAY, MARCH 15, 1965 -- 12:30 P.M.

156 FIFTH AVENUE - ROOM 725

1. Minutes of March 1 meeting.

ACTION

2. Prospective invitation from Senator Mundt for ACLU representation on a federal commission on noxious and obscene materials (correspondence with Senator Gruening and Mr. Angell previously circulated, Landau letter and clippings enclosed).

3. Application for Marshall Fund grant (memo from Mr. Wulf to follow).

4. Free Speech and Association Committee recommendations:

   (a) Wartime restrictive measures
   (b) Newspaper regulation of noncommercial advertising (memo from office to FSA Committee enclosed).

5. Tax exemption for churches (memo from Mrs. Katz enclosed).

INFORMATION

6. Reactivation of Lawyers Constitutional Defense Committee.

File

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

MINUTES

BOARD OF DIRECTORS MEETING

MONDAY, MARCH 1, 1965 -- 12:30 P.M.

PRESENT: Mr. Lacy, presiding; Messrs. Dierstedt, Black, Brown, Evans, Frank, Hacker, Heckscher, Kunstler, Maslow, Miller, Prashker, Rice, Soll, Waring, Whiteside; Mesdames Jacobs, Pilpel, Judge Kenyon.

Office: Messrs. Pemberton, Reitman, Haskell, Mote, Wulf, Bucholz, Adler, Speiser; Mesdames Floyd, Katz; Miss Strickland.

1. Minutes. The minutes of the February 15 meeting were approved as circulated.

2. Financial Report. Mr. Haskell reported that the new income for January, 1965, was $220,603.00 which is 21% of the goal for 1965 of $1,012,400.00.

3. Death of Felix Frankfurter. The Board unanimously passed a resolution expressing its deep sense of loss at the death of former Supreme Court Justice Frankfurter, one of the founders of the ACLU.

4. ACLU Constitutional Amendment. Mr. Pemberton presented for the Board's approval an amendment to the ACLU Constitution changing the authorized number of members on the Board of Directors from 35 to 80, thus allowing affiliate representatives to be added to the Board. The amendment was approved unanimously for submission to the constitutional electors.

5. Federal Aid to Church-Related Institutions of Higher Education (Continued from the February 15 meeting). The Board, having already approved as amended parts I and II [through item B(2)] of the majority position adopted by the Church-State Committee at its meeting on June 1, 1963 concerning "Public Aid to Church-Related Institutions of Higher Education", took up consideration of item B(3) as presented by Mr. Meserve. Mr. Hacker objected to the phrase, "in public competition" [3(a)] for he felt that it compromised the award on the basis of academic achievement alone, and Mr. Meserve, with the Board's approval, agreed to strike this phrase. Mr. Prashker moved to amend line 3 of paragraph B by inserting "sectarian" between "accredited" and "institution", and item 3(a) by inserting "or financial need" after "professional aptitude", but his motion failed for want of a second. It was then moved to adopt section B(3) (including a and b), and the motion carried with Judge Kenyon and Mr. Maslow recorded in the negative.

Mr. Meserve moved the adoption of B(4). Mr. Prashker felt that "financial need" should be one of the qualifications for this is a sensible restriction in a public loan program. Mr. Maslow objected that the adjectives in items 3 and 4 can be read to mean no more than that every qualified student will be permitted to go to college -- even a sectarian one -- with the aid of public subsidies; furthermore, even if the money is loaned to the student instead of given (as in a scholarship or grant), to the extent that the student receives favorable terms for the loan he is being subsidized to attend a church-related institution. Mr. Soll concurred with this

opinion stating that we should indicate that such aid is not to be given on a wholesale basis; moreover, the Church-State Committee itself meant for there to be some limiting criteria. Mr. Maslow then moved, and Mr. Soll seconded, to amend item 4 by adding "superior" before "academic ability"; and Mr. Lacy announced that if this motion carried he would rule that it also added the qualifying phrase to item 3(a). At this point, Mr. Evans questioned the relevance of the discussion to civil liberties issues and asked what civil liberties principle is violated if a loan or scholarship is given to all ordinary as well as superior students. Mr. Maslow responded that this would be aiding the schools; but with the restrictive criterion of "superior", only certain students would be aided. A vote on Mr. Maslow's motion carried 12 to 4. The whole of item 4 was then voted on and passed, with Judge Kenyon again being recorded in the negative.

Mr. Meserve moved to adopt item 5, but Mr. Frank moved to strike #5 on the grounds that it was so basic that the ACLU need not take a position on it. Mr. Meserve, with the consent of the members of the Church-State Committee in attendance at the Board meeting, withdrew his motion. He then moved the adoption of the entire statement. Judge Kenyon expressed opposition to items B(3) and (4) feeling that the mere addition of "superior" was not enough to overcome her objections which corresponded with those of Mr. Maslow's. Mr. Black questioned the gradual erosion of strict church-state separation principles, and wondered how much compromise the nation can tolerate without being destroyed. Mr. Bierstedt underscored this objection by pointing out that the NDEA had approved a provision which allows direct grants to be made to the institution where an NDEA fellowship student is in attendance. Mr. Soll, on the other hand, disagreed that the choice is between compromising and not compromising; rather this is an appropriate statement to preserve church-state separation. At this point Mr. Meserve reminded the Board that the Church-State Committee considered two questions in recommending the statement: (1) is religion being established? and (2) is the free exercise of religion being inhibited? There is no violation of principle when a public program manifests no tendency toward an establishment provision. After further discussion, the entire statement was adopted (Judge Kenyon recorded in the negative).

6. Recommendations of the NPC Steering Committee. Mr. Pemberton presented the recommendations of the National Planning Committee's Steering Committee and corrected the memorandum of February 18, 1965 (item 2) regarding equipment loans to read $9,400 instead of $19,400. The Board considered this expenditure and, after some discussion, approved it as an economy measure. The Board then turned its attention to the recommendation for a grant to the Louisiana Civil Liberties Union of $15,600.00 to staff and reinvigorate its activities in the face of intense harassment and difficulties. Mr. Pemberton explained that this grant from the Vigilance Fund, although unprecedented, would be for one year only and that the LCLU anticipated other support in 1966, relying upon the interest, especially of larger affiliates, expressed at the Steering Committee meeting. Mr. Prashker opposed this grant for he doubted that it would be the best way to support southern civil rights and civil liberties activity. Could not the work be done in a more organized way through the Southern Regional Office, he asked, or through the LCDC? Furthermore, there is no precedent for giving such massive help to a small affiliate which has little hope of attracting more support. At this point Mr. Pemberton explained the Steering Committee's proposal for the LCDC which would not involve any grants from the Vigilance Fund, but rather giving the LCDC, a tax-exempt organization, ACLU identification and using it as an ACLU tax-exempt arm. After more discussion, during which Mr. Heckscher also expressed doubt at granting one affiliate such a large sum, Mrs. Jacobs moved a grant of

$15,600.00 as recommended by the Steering Committee, and Mr. Whiteside moved to reduce this sum to $8,000.00 Mr. Pemberton suggested $11,700 as an alternative, for he stated that the full monthly level of support required by the Louisiana CLU budget would be needed for only 3/4 of the year 1965. There was a vote on Mr. Whiteside's amendment which failed to carry. There was then a motion to adopt Mr. Pemberton's suggestion to grant the LCLU a level of support of approximately $15,600, on a pro rata monthly basis for 1965, not to exceed $11,700, subject to national office participation in the expenditures to be made from it, and Mrs. Jacobs accepted this amendment. After discussion the motion, as so amended, carried.

7. Alabama Affiliate. Mr. Lacy reported the recommendation of the Administration Committee that the Alabama affiliate application be approved on the condition that the 1940 resolution be included in the affiliate's proposed by-laws and that it be encouraged to call itself the Alabama CLU or the CLU of Alabama instead of the Alabama Civil Liberties League. He supported the recommendation with an expression of the Committee's judgment that the leadership of the proposed affiliate seemed very well-qualified. There are 89 ACLU members in Alabama.

8. Washington Office. Mr. Speiser reported the vote on the appropriations for the House Un-American Activities Committee and stated that there were 64 Congressmen (including 6 paired "for") seeking to recommit the appropriation for further study, though after defeat of the motion to recommit, the negative vote on appropriations dropped to 29. This was a significant increase over the vote two years ago when only 20 voted against the Committee on the only roll call that was had -- that on the appropriations. He also discussed the delays in the House Education and Labor Committee, and changes in the subcommittee's report to it, on the Federal Elementary and Secondary Education Bill. He stated that there was still a chance that the provision for judicial review would be included in the Senate version.

9. Mundt Bill. Mr. Rice stated that there should be strong Board action in opposition to this bill. Mr. Pemberton reported that the Union had expressed its strong opposition to the bill, but that Mr. Angell and the staff required advice on the Gruening correspondence. The chair ruled that this issue would have to be carried over to the next meeting's agenda.

The meeting was adjourned.

RESOLUTION OF THE BOARD OF DIRECTORS

OF THE AMERICAN CIVIL LIBERTIES UNION

ON THE DEATH OF JOHN PAUL JONES

We have lost a rare spirit in the death of John Paul Jones. During his many years as a member of our Board, the Board of the New York Civil Liberties Union, and his Chairmanship of the latter Board, Dr. Jones' qualities endeared him to us all. He was, in every sense, a true civil libertarian, never swerving because of the unpopularity or heterodoxy of the problems we are so often called upon to consider. Clear and positive in his views he was never dogmatic. He approached each issue with a freshness, almost a gaity, which was always an inspiration to his colleagues. We shall sorely miss him.

Adopted March 15, 1965

RESOLUTION OF THE BOARD OF DIRECTORS

OF THE AMERICAN CIVIL LIBERTIES UNION

ON THE DEATH OF AUBREY WILLIAMS

The American Civil Liberties Union expresses its sorrow on the loss of Aubrey Williams, since 1946 a member of the National Committee of the Union. Publisher of The Southern Farmer, head of the National Youth Administration in the Roosevelt Administration, outspoken critic of his times, he influenced countless Americans, and thereby his America, for freedom and justice.

Aubrey Williams never compromised, no matter how hard the times, no matter how strong the opposition, and no matter how bitter the attacks. He was a free man and acted like one in Alabama -- just as he did wherever he lived and worked throughout his seventy-four years.

Adopted March 15, 1965

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

MINUTES

BOARD OF DIRECTORS MEETING

MONDAY, MARCH 15, 1965 -- 12:30 P.M.

PRESENT: Mr. Angell, presiding; Messrs. Black, Crowell, Ennis, Evans, Fraenkel, Miller, Millis, Rice, Soll, Westin; Mrs. Pilpel; Judge Kenyon.

Office: Messrs. Pemberton, Reitman, Haskell, Wulf, Mote, Bucholz, Adler, Speiser; Mesdames Floyd, Katz; Miss Strickland.

Visitor: Mr. George La Noue.

1. Minutes. Mr. Millis stated that he had been present at the March 1 meeting, though the minutes do not show it. The minutes were approved as corrected.

2. Visitor. Mr. George La Noue, professor at Teachers' College and advisor to the National Council of Churches of Christ on church-state issues, was introduced and welcomed. Mr. La Noue was Mr. Speiser's colleague in presenting the ACLU testimony before both the House and Senate subcommittees considering the bill aiding elementary and secondary education.

3. Death of John Paul Jones. Mr. Pemberton presented a resolution by Mr. Fraenkel expressing the Board's deep sorrow and sense of loss at the death of Mr. Jones, one of the Board's most active members. The motion carried unanimously.

4. Death of Aubrey Williams. A resolution expressing the Board's regret at the death of Mr. Williams also passed unanimously.

5. Banking Resolutions. Mr. Pemberton asked the Board to authorize a series of resolutions concerning ACLU banking practices: (1) that a savings account at the Chemical Bank and Trust Company (5th Ave. and 20th St.) be opened for the John B. Turner Fund; (2) that the Investment Committee be authorized to open a series of N.Y. savings bank accounts; and (3) that eleven California savings and loan associations be authorized as the depositories for some of the accounts. Mr. Pemberton also requested the Board to authorize the presently authorized officers to open and make withdrawals from these new accounts and explained that only the priviledges of depositing and withdrawing were intended. The Board unanimously approved his resolutions and request.

6. Proposed Commission on Noxious and Obscene Materials. Mr. Angell presented the suggestion by Senator Gruening to include a representative from the ACLU on the proposed Commission on Noxious and Obscene Materials. (See memorandum previously circulated.) Mr. Rice moved that (1) we decline to participate, and that (2) we strongly oppose the bill establishing the Commission. He felt that in view of ACLU's past positions such a stand was mandatory. The Board first considered his motion not to

participate. Mr. Ennis stated that he was opposed to representative appointments from organizations as such, and that the President appoints individuals, not organizations, to the Commission. Mrs. Pilpel said that though she found the bill highly objectionable and one to be vigorously opposed, she would favor a commission to inquire into the scientific data on relationships between behavior and alleged obscenity. Mr. Speiser pointed out that the ACLU supported the original bill in 1960 because it was in this form, but then the bill was changed to the present form. Mr. Reitman mentioned the correspondence he has had with Dr. William Landau of the St. Louis Civil Liberties Committee (previously circulated) in which Dr. Landau pointed out the value he found in representation on a local "Decent Literature Commission". Mr. Westin said there is a distinction between participating on an obscenity commission on a local or state level and setting up Federal activity in this field. Mrs. Pilpel interjected that wherever possible, we should remain in communication with those we oppose. Mr. Ennis pointed out that the Post Office and the Customs Departments now exercise censorship and that he would like to see persons on the Commission who would fight for a narrow definition of obscenity. Mr. Millis objected to this interpretation for he stated that the bill would give the Commission no authority to determine what is obscene. Mr. Rice rephrased his motion to express opposition to having a representative of the Union participate in the proposed Commission and this motion carried.

The question was then called on Mr. Rice's second motion which carried with one dissenting vote. Mrs. Pilpel then moved that we urge the formation of a Commission on First Amendment Freedoms which would investigate scientific data dealing with the causal relationship between "obscene" literature and criminal and delinquent acts, and further that we seek to testify before whichever Commission is established. Mr. Fraenkel, opposing her motion, stated that we should not seek the establihsment of an obscenity Commission though Mr. Ennis felt that this was a "head in the sand" position. Censorship and obscenity are live issues throughout the country, he stated, and the ACLU shouls support such a study as that suggested by Mrs. Pilpel. Mr. Speiser pointed out that there are already three Congressional Committees which have authority in this field; would any purpose at all be served by the formation of a Commission, he asked? There was a vote on Mrs. Pilpel's motion which failed, 3 - 9 . Mr. Ennis then moved that the ACLU recommend that any investigation of the relation between obscenity and crime be done under private auspices and not by the government. Mr. Fraenkel spoke briefly against the motion saying that the time was not right for the ACLU Board to take this stand. Mr. Ennis's motion lost 3 - 9.

7. Request for Marshall Fund Grant. Mr. Wulf presented a request from the Legal Department for $11,391.15 from the Marshall Fund reflecting the 1964 expenditures on cases which exceeded the Department's normal level of litigational costs. After a brief discussion during which Mr. Fraenkel commented that the costs of some cases listed on the memorandum of March 11th (previously circulated) seemed much too high and that the cooperating attorneys should be cautioned to be more careful, especially with regard to such items as overtime printing. A motion granting the request carried unanimously.

8. Recommendation of the Free Speech and Association Committee on the Case of a Panama Canal Company Employee. Mr. Soll first presented an item not listed on the agenda dealing with the dismissal of an employee of the Panama Canal Company who was not in a policy-making position and who had failed in no way in the performance of his job but who had publicly criticized official U.S. policy before and after the Panama Canal Zone riots of January, 1964, and who had written a poem lampooning his superior. Mr.

Soll pointed out that the defendent had failed to comply with a regulation requiring material to be submitted for clearance before publication but that he was also charged with conduct unbecoming a government employee and failure to comply with his superior's orders. Mr. Soll reported that the Free Speech Committee voted by a small margin to participate in the case with a suit against the Civil Service. Mr. Fraenkel spoke against entering the case for he did not consider it a fundamental one and questioned whether the defendent could not employ private counsel. Mr. Wulf stated that the defendent could not afford counsel and that unless the ACLU pursued the case, the Civil Service Commission's ruling dismissing the employee would stand. He stated further that the case dealt with a basic issue for it involved the right of an employee in a non-policy making position to oppose official government policy when he is an employee of an agency enforcing that policy, After further discussion, during which some members of the Board expressed the opinion that the ACLU should enter the case amicus but should not assume the responsibility for handling the case itself, the motion to accept the case was voted on and failed to pass. At this point, Mr. Pemberton asked the Board for a clarification of its views on when a case should be entered only amicus, and cautioned that we would often be taking a chance the case will not be pursued and the issues not be resolved. Mr. Fraenkel, reiterating a point he had made earlier, recommended that a memorandum be prepared on the case and circulated to the Board and Mrs. Pilpel moved that the matter be reconsidered at the next meeting. This motion was seconded and carried without dissent.

9. Recommendation of the Free Speech and Association Committee with Respect to Wartime Restrictive Measures. Mr. Soll moved the Biennial Conference recommendation but also suggested this action not be publicized for the reasons set forth in Mr. Millis' memorandum. His motion carried unanimously.

10. Recommendation of the Free Speech and Association Committee Concerning Rejection of Non-commercial Advertising. Mr. Soll moved the adoption of the February 17th statement (previously circulated). He pointed out that the statement did not advocate legislation embodying a mandatory requirement, but rather would merely encourage media circulating to generalized audiences to accept all advertisement that met uniform criteria. He mentioned that the Philadelphia affiliate had submitted a request to add the provision that government agencies controlling media (e.g. public transit authorities) be subjected to mandatory requirements. Mr. Rice objected to the proposed statement for he did not think any such obligation should be imposed on publishers. Mr. Fraenkel pointed out that categories of advertisements were not dealt with in the statement, and that an agency should not be required to accept every advertisement on any subject. Mr. Soll stated that he would be willing to accept an amendment to the statement providing that when a certain class of advertisement is accepted, the publisher ought to accept all of that class regardless of the point of view expressed. A distinction was also made between private and public media: the former should be encouraged and exhorted to accept advertising on a non-discriminatory basis, while the latter should be required to accept such advertising. On separate motions as to privately owned and public media, the Committee's recommendations, as so modified by Mr. Soll, were unanimously adopted.

11. Malin Memorial Meeting. Mr. Angell announced that a Malin Memorial Meeting, planned by the ACLU, Swarthmore College and the Roberts Colleges, would be held on Tuesday, March 30th at 4:30 P.M. at the Friends Meeting House, 212 East 15th Street (at Stuyvesant Square).

12. Cancellation of April 29 Board Meeting. Mr. Pemberton announced that because of the plenary Board meeting on April 3-4, the April 29 meeting would be cancelled.

13. Events in Selma. Mr. Reitman reported briefly on Charles Morgan's activities in Alabama during the current crisis in Selma and stated that a telegram had been sent to the Attorney General protesting the use of brutality there and the insensitivity of the Justice Department's initial statement that is was inquiring whether "excessive" force had been used. When the Department later in the week announced prosecutions for interferences with the exercise of rights, the Union commended the Attorney General.

The meeting was adjourned.

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York, New York 10010

March 15, 1965

WORKING PAPER, NOT FOR PUBLIC DISTRIBUTION

To: Members of the Board of ACLU

From: The Office

Re: Forthcoming Plenary Board Consideration of ACLU Position on Libel

At the Plenary Board meeting of April 3 and 4, 1965, the ACLU's position on libel will be reviewed. Two proposed position statements from the national Freedom of Speech and Association Committee have already been circulated, and affiliate comment is now being distributed.

In order to aid the Board's consideration of this subject, the office has prepared a short summary of recent court decisions pertaining to several of the points discussed in ACLU position papers on libel.

I. THE NEW YORK TIMES RULE.

New York Times Rule v. Sullivan, 376 U.S. 254, 32 L.W. 4184 (1964). Alabama courts awarded a City Commissioner of Montgomery $500,000, without real proof of injury, against the Times and four clergymen for a Times ad entitled "Heed Their Rising Voices" which, in soliciting contributions for civil rights work in the South, recited the difficulties the civil rights movement had experienced at the hands of the police in Montgomery. In unanimously reversing the award, the U.S. Supreme Court interpreted the First and Fourteenth Amendments to require that a public official claiming libel damages for defamatory statements show with "convincing clarity" that such statements were false and that they were made with "'actual malice' -- that is, with knowledge that [they] were false or with reckless disregard of whether [they] were false or not." Justices Black, Douglas, and Goldberg stated in concurring opinions that the Court's standard would furnish insufficient protection against hostile juries, and urged a rule absolutely prohibiting libel judgments for any criticism of official conduct.

II. CRIMINAL LIBEL.

In Garrison v. Louisiana, 33 L.W. 4019, handed down by the U.S. Supreme Court on November 23, 1964, a New Orleans District Attorney was convicted of criminal defamation for stating publicly that local criminal court judges were inefficient and lazy, unsympathetic to vice investigations, and subject to "racketeer influences." The Supreme Court concluded that Louisiana's criminal defamation statute serves the same purposes as a civil suit for libel and is therefore subject to the same First Amendment limitations with respect to criticism of public officials as the libel judgment in the New York Times case. The Court held that the criminal libel statute as applied in this case unconstitutionally permitted the punishment of truthful statements about public officials, and allowed punishment of false statements whether or not made with reckless disregard of their falsity. The Court stated that the New York Times rule "absolutely prohibits punishment of truthful criticism" directed at public officials and indicated that any statute permitting a finding of malice merely from an intent to inflict harm -- as opposed to an intent to inflict harm through the knowing use of falsehood -- was constitutionally deficient. Justices Black, Douglas and Goldberg again concurred in separate opinions, stating that no criminal libel prosecution for criticism of official conduct should be permitted under the First and Fourteenth Amendments.

III. ACTUAL MALICE.

In Baer v. Rosenblatt, 203 A 2d 773 (N. H. 1964), a local newspaper columnist asked several questions about the management of a publicly-operated ski area which implied that its former supervisor had stolen some of the profits. In attempting to follow the New York Times rule, the New Hampshire Supreme Court sustained a $31,500 libel judgment, finding "actual malice" indicated in the columnist's previous charges of nepotism and in his gross and reckless exaggeration of the difference between income from the ski area when it was supervised by plaintiff and income earned when it came under new management. (The Court did not expressly treat the issue of whether a private citizen who contracts to run a publicly owned ski area is a "public official" within the meaning of the New York Times doctrine.)

Goldmark v. Canwell, Superior Court of Washington, (December, 1964). John Goldmark is an active ACLU member in Washington and a former member of the state legislature. During his 1962 campaign for re-election, Goldmark and his wife were charged by defendants with being "Communists," members of a "Communist-front" (ACLU), tools of a "monstrous conspiracy," etc. After an extended trial,

during which Jack Pemberton testified as to the nature of the ACLU, the Goldmarks won a $40,000 libel judgment based on several jury findings that the charges -- including the one against ACLU -- were false. The standard of law used by the Court was that a recovery could be had if the published material was false and defamatory. Shortly after the verdict, the New York Times case was decided, and the Court felt compelled by it to award defendants a new trial to determine whether the defamation of the Goldmarks had been made with reckless disregard of the falsity of the charges. Subsequently, the Court entered judgment for the defendants notwithstanding the verdict and without awaiting a new trial, on the grounds that all the defamatory statements were made in the course of a political campaign in which a wide latitude for criticism of candidates should be allowed, and that the testimony previously taken contained no clear indication that the charges had been made with actual malice. The Goldmarks have not yet decided whether to take an appeal from this ruling.

Faulk v. Aware, Inc., 19 A.D.2d 464 (N. Y. 1963-64). John Henry Faulk, a quiz show personality on radio and TV, was discussed in publications sent by Aware, Inc. to station owners, producers, and sponsors, in terms which clearly implied him to be a Communist or to be associated with Communist activities. As a result, he was "blacklisted" and his career was ended. In sustaining judgment for Faulk before the New York Times decision* New York's Appellate Division found that the defendants had deliberately attempted to ruin Faulk through a campaign of false innuendo and malicious villification. However, whether or not the defendants actually knew the material they were disseminating was false is not clear. Subsequent to the Times case, the New York Court of Appeals affirmed without opinion.

IV. LIBEL PER SE.

Clark v. Allen, Pennsylvania Supreme Court, October 26, 1964. Joseph Clark's candidacy for re-election to the United States Senate was opposed by defendant in a letter which stated: "We are shocked at Joe Clark's record on Senate absenteeism and his ADA approved voting record with its Communist tendencies." By a 3-2 majority (2 judges not participating) the Pennsylvania Supreme Court sustained a demurrer to the complaint in advance of trial stating that, in view of the disagreement on what "pro-Communist" and similar expressions mean and in view of the necessity of according great freedom to criticism of public officials under the New York Times doctrine, the language criticising Senator Clark could not be held libelous. The dissenters argued the inconsistency of this position with previous Pennsylvania Supreme Court holdings that labeling a citizen a "Communist" or charging he is engaged in Communist activities is libel

* Affirmance was conditioned on reduction of the amount of the verdict.

per se, and added that the New York Times case did not compel dismissal of the complaint in advance of trial without giving the plaintiff an opportunity to establish the derogatory nature of the language used, its falsity, and actual malice.

V. WHO IS A "PUBLIC OFFICIAL?"

(See Baer v. Rosenblatt, above, where New York Times rule was applied to an employee of a publicly-owned ski area.) In Pauling v. News Syndicate Company, 335 F. 2d 659 (CA 2, 1954), a jury brought in a verdict for a defendant newspaper which had charged Linus Pauling with being sympathetic to Communist aims. The Court of Appeals, in affirming the decision on evidentiary and technical grounds, stated as dictum:

> "Although the public official is the strongest case for [the application of the New York Times rule], it is questionable whether in principle the decision can be so limited. A candidate for public office would seem an inevitable candidate for extension; if a newspaper cannot constitutionally be held for defamation when it states without malice, but cannot prove, that an incumbent seeking re-election has accepted a bribe, it seems hard to justify holding it liable for further stating that the bribe was offered by his opponent. Once that extension was made, the participant in public debate on an issue of grave public concern would be next in line; thus, as applied to the case in hand, if a newspaper could not be held for printing Dr. Pauling's charges that a member of the Atomic Energy Commission had 'made dishonest, untrue and misleading statements to mislead the American people' and that a United States Senator is 'the greatest enemy *** the United States has,' as the New York Times case decided, one may wonder whether there would be sound basis for forcing it to risk a jury's determination that it was only engaging in fair criticism rather than misstating facts if it printed, falsely but without malice, that in saying all this Dr. Pauling was following the Communist line. The 'profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open,' now applied to confer immunity on 'vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials,' 376 U.S. at 270, 84 S.Ct. at 721, may some day be found to demand still further erosion of the protection heretofore given by the law of defamation."

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

March 15, 1965

To: The Board

From: The Office

Re: Greater Kansas City Affiliate's Advice on Tax Exemption

The affiliate Board discussed and approved the Biennial Conference recommendation on tax exemption. It agreed also that this action did not indicate approval of tax exemption for unrelated income or unrelated land held by churches.

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

March 16, 1965

To: The Board

From: The Office

Re: Capital Punishment

A memorandum by Norman Dorsen to the Due Process Committee on the subject of capital punishment was circulated to the Board last year. It included the following summary of the Union's consideration of the issue:

a. In a memorandum dated February 10, 1955, Walter Frank expressed for ACLU study "Rough Thoughts on Capital Punishment and Civil Liberties." He argued that the imposition of the death penalty "in itself" does not violate "civil liberties"; that neither discrimination in the imposition of the death penalty nor its irrevocable quality provide the basis for a constitutional attack; that there is no other basis for maintaining that the death penalty violates the Constitution; that "the field in which the Death Penalty is inflicted should be severely curtailed"; that the proper method of achieving this is "education followed by legislation"; and, in conclusion, that the Union refrain from entering this controversy.

b. On January 8, 1959, the Due Process Committee of the ACLU, after discussion, agreed on the following: that judicial challenge to capital punishment was futile; that discrimination in the imposition of capital punishment, if demonstrated statistically, might raise a civil liberties issue; that a recommendation should be made to the National Board that "capital punishment is not a civil liberties issue," but that the Board should not deny to affiliates the right to take their own position on legislation to abolish capital punishment.

c. On February 2, 1959, the National Board adopted the position that "capital punishment is not at this time a civil liberties issue, but in particular cases the character of the punishment combined with the surrounding circumstances of the case might raise a civil liberties issue."

d. On November 14, 1961, the Due Process Committee reconsidered the issue of capital punishment. The impetus was provided by two recently published law review articles that argued that the death penalty raised constitutional questions. Gottleib, Testing the Death Penalty, 34 So. Cal. L. Rev. 268 (1961) (death penalty amounts to cruel and unusual punishment), and Oberer, Does Disqualification of Jurors for Scruples Against Capital Punishment Constitute Denial of Fair Trial on Issue of Guilt? 39 Texas L. Rev. 545 (1961) (disqualification of jurors with scruples against capital punishment constitutes denial of fair trial to accused on issue of guilt). The Due Process Committee maintained its former position that capital punishment cannot be challenged judicially.

At its meeting held on May 2, 1963, the Due Process Committee considered the issue of capital punishment. Particular attention was given to a memorandum prepared by Professor Caleb Foote of the University of Pennsylvania Law School for the Philadelphia affiliate of the ACLU, and submitted by the affiliate to the National Office. Professor Foote took the position that the death penalty raises important civil liberties issues and that its continued use should be challenged by the ACLU.

After discussion, the Committee reached the following informal concensus: (a) capital punishment was distasteful from the ethical and humanistic point of view; (b) it was unrealistic to expect a judical declaration of the unconstitutionality of capital punishment, either under the Cruel and Unusual Punishment Clause or the Due Process Clause;* (c) abortive efforts to achieve such a judicial declaration could set back legislative efforts to secure abolition of capital punishment; and (d) means should be explored by which the Union could act to secure abolition without maintaining that capital punishment was inconsistent with a specific provision of the Bill of Rights.

Following consideration of the Dorsen memorandum, the Due Process Committee was polled on the various questions that were thought to be of importance in shaping the Union's position. The results of this poll are contained in Mel Wulf's memorandum to the Board of Directors on January 2, 1964, enclosed.

The Board held meetings on capital punishment on January 6 and January 20. It took the following action:

(1) It authorized the staff to enter an appropriate case on the ground that the imposition of capital punishment is discriminatory on the basis of race or class, provided that a factual study has been made which seems to justiry this conclusion;

(2) It requested the Due Process Committee to consider whether the Union should enter an appropriate case raising the issue discussed by Mr. Justice Goldberg in his dissenting opinion in Rudolph v. Alabama, 375 U.S. 893 (1963). Justice Goldbert maintained that it is a violation of the cruel and unusual punishment clause to impose the death penalty on a defendant who has been convicted of a crime which does not involve the taking of a human life; and

(3) It voted to table a motion that the Union seek repeal of laws authorizing the death penalty. This action followed suggestions that the underlying philosophical bases for all of the separate capital punishment questions put to the Board had not been sufficiently defined by the Due Process Committee and that there was need to solicit affiliate advice on these issues.

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*This memorandum was written before the decision in Rudolph v. Alabama, 32 U.S.L. Week 3154 (1963), in which Justice Goldberg, joined by Justice Douglas and Brennan, wrote a concurring opinion that maintained that the death penalty violated the Cruel and Unusual Punishment Clause of the Eight Amendment when it was inflicted for a crime that did not result in loss of life --- in that case, rape. Accordingly, there now seems to be substantial room for arguing that the Constitution, at least in some cases, prohibits capital punishment.

Affiliate advice was then solicited, both generally and in terms of the first four of the five questions addressed to the Due Process Committee (see June 2, 1964 memorandum), and, in addition, the subject was suggested for membership meetings in accord with the Biennial Conference resolution. Special attention was accorded to the issue in the December, 1964 Civil Liberties.

Responses from the affiliates are enclosed, together with views expressed at membership meetings, views of Roger Baldwin and Walter Fisher, responses from a few members to the coverage in Civil Liberties, and an article from the New Republic giving factual information on the death penalty.

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

March 16, 1965

To: The Board

From: The Office

Re: Affiliate Opinion on Shared Time

Northern Arizona Chapter -- The issue was considered by a "committee of fifteen, including three board members and 12 non-board members....Most comments were in opposition to shared time, suggesting that it was a 'backdoor' to released time, would weaken the public school system and would probably lead to clear violations of church-state separation. Almost all members of the committee voting (11-1) opposed shared time although the majority (9-2) felt ACLU should not take a position at the time on the matter."

ACLU of Northern California -- The affiliate board supports "the position taken by Roger Baldwin as well as the position of our State Attorney General that shared time classes would be in contravention of Art. IX, Sec. 8 of the State Constitution, which prohibits direct or indirect aid to sectarian schools."

Colorado Branch, ACLU -- The affiliate board voted unanimously at a fall meeting to recommend the view that shared time does not violate civil liberties.

On January 28, 1965 about 25 persons attended a membership discussion of shared time. The discussion, according to the reporter, reached no conclusion on whether shared time was either desirable or violative of civil liberties.

"Some felt it was a violation of civil liberties for the same reason as released time, in that the public school becomes a vehicle for an educational situation which includes religious indoctrination. Others felt that since citizens of a community have a right to use the schools all of the time, therefore they should also have the right to use it part of the time. Some felt that abridgement of civil liberties might be most apparent in the process of carrying out shared time, that the structure of public schools was the true civil liberties issue. For example, school policies might have to be adjusted to accommodate the parochial school, thus adjusting the public school to the requirements of a particular religious group. There might be fragmentation of school programs, adverse effect on experimental type programs such as core curriculum, and influence on choice of school text books, requirements for graduation, and curriculum plans. There might be a top-heavy science-math program and the neglect of the social studies.

"Some felt that shared time might jeopardize academic freedom, in that the schools would become more susceptible to pressure from various community groups.... There would be a tendency to constantly adjust the curriculum to pacify militant groups who would threaten to set up their own social studies program.

Of concern to the group was the long range effect on public schools. It was generally agreed that shared time would financially assist the parochial school, thus encouraging a dual system. Perhaps parochial school tuitions would be reduced, thus encouraging more students to be diverted into the parochial system. Some felt that the long range effect would be to weaken the public school system, with eventual deterioration of secular education, including ideas of tolerance. However, some felt that parents of parochial school children might tend to give more voter support to public schools under a shared time program."

Connecticut Civil Liberties Union & Hartford Chapter -- Attached

Illinois Division, ACLU -- Attached

Champaign County Chapter, Illinois Division -- Attached

Indiana Civil Liberties Union -- "It is the consensus of the Church-State Committee... that shared time education as now under discussion can no doubt be defended on constitutional grounds. However, we cannot see how such a program can be administered effectively, and we see in its potential development openings for direct aid to private and parochial education and violations of constitutional provisions against the establishment of religion."

Kentucky Civil Liberties Union -- Attached

Maryland Branch, ACLU -- "With one dissenting vote, the executive Board of the affiliate approved the first seven points of [the national Church-State Committee recommendation].

"In place of point #8 we would recommend a strong statement concerning ACLU opposition to shared time because it is dangerous public policy. We tend to agree with Roger Baldwin, Leo Pfeffer and Byron Miller that shared time would lead to a proliferation of private part-time schools and a fragmented system of education. We feel that a strong and healthy public school system is necessary if we are to maintain the type of government in which civil liberties can flourish."

"At a membership meeting of the Maryland Branch of the American Civil Liberties Union, February 15, 1965, seventeen members voted to oppose the shared time proposal of the Federal Government and two voted to support it."

Civil Liberties Union of Massachusetts -- Attached

ACLU of Michigan & Detroit Branch -- Attached

New York Civil Liberties Union -- Attached

Upstate New York Division, ACLU -- An October 9, 1964 report from Dorothy Shields, executive director, says: "There is general agreement with the [Church-State Committee] statement of May 29, 1964, favoring study to work out the problems.

"1) One member is unalterably opposed to any shared time program, by whatever name. He appends to a long argument the following: 'I venture to say that shared time will be for Church-State relations what separate but equal was to civil rights-- a specious doctrine to be endured for decades until maturity born of sad experience enables us to see how far we have followed a wandering fire.' (I include this because it has the ring of prophecy, so that someone besides myself will have read it

should he turn out to be correct!)

"2) Central New York Chapter adds only certain points to stress:

"a) It is vital to include, as Pemberton does, in any policy statement on this matter that shared time is neither barred nor is it required by constitutional considerations.

"b) It should be emphasized under the proposed guideline calling for control of shared time programs by public authorities that shared time should be completely a public school program and that public school boards administering the program should not consult parochial school officials on things like course content -- the criterion being that the program is strictly a public school one, and that the public school enrolls part-time students, not a parochial school system.

"c) It should be clearly emphasized that criteria for selecting new public school sites should not include proximity to existing or proposed parochial schools."

A February 12, 1965 report says: "After further discussion of this issue, with one exception, there is no change in the general agreement with the recommendation of [the Church-State Committee]. It is generally agreed that any policy statement the ACLU might issue should include the statement that shared time is neither barred nor required by the Constitution. There is total agreement that shared time must be completely a public school program under public school administration. There is awareness of the tremendous administrative difficulties that will be involved and of the dangers of inherent constitutional violations under the program. But the conclusion is that the ACLU should be alert to such violations as they may occur, rather than to oppose shared time as such.

"The single exception involves a membership meeting of the Genesee Valley Chapter, which informally voted overwhelmingly against shared time. However, two factors incline me to discount the numerical strength of this vote. The first is that in the report sent to me there was no mention of its constitutional aspects, and I gather that the lively discussion was based more on the program's merits. The second is that I am told the speakers against shared time were more effective. These two factors might account for the outcome being so very different from that of the other two chapters and the Upper New York Division Board."

Greater Kansas City Civil Liberties Union -- Attached

St. Louis Civil Liberties Committee -- The affiliate Executive Board passed the following resolution:

"This Committee regards [shared time] as a civil liberties issue. This Committee sees no constitutional principle necessarily standing in the path of shared time, but that this Committee urges that the traditional principle of separation of church and state be observed in the administration of such shared time programs."

Greater Philadelphia Branch, ACLU -- Attached

Central Texas Chapter, Texas Civil Liberties Union -- At a February 12, 1965 meeting, ACLU members voted 10-6 against ACLU support of shared time. There were some abstentions.

National Capital Area Civil Liberties Union -- The affiliate's Executive Board minutes of October 28, 1964 report: "The Committee recommendation (to accept National position with certain changes) was defeated in favor of recommendation of minority report of the committee. (Motion by Harris amended by Witt) -- the ACLU should oppose shared time programs on the following grounds:

"1. Such programs appear to violate the Establishment clause of the First Amendment, and therefore present a grave constitutional and civil liberties problem because of the very substantial economic benefit that such programs would confer upon parochial schools.

"2. While the precise nature of the results of such programs in practice are at the moment not predictable, one probable result would be the substantial lessening of the influence of the public schools. There is much to be said in favor of the continued vitality of a private school system in this country, both in terms of academic freedom and in terms of insuring that the right of parents to select a particular type of education for their children is made effective. However, it is also plain that the public school system has played a most significant role in fostering the values of tolerance and understanding that have been essential to the preservation of civil liberties in this heterogeneous country. The existing balanced system of private and public school education has developed because of the determined efforts of parents and private organizations on the one hand and the strong support of public schools by the community as a whole on the other. The ACLU should resist any effort to alter radically the balance between the two systems of education, and the shared time proposals represent just such an effort."

ACLU of Washington -- Attached

Wisconsin Civil Liberties Union -- The affiliate's Executive Board minutes of February 6, 1965 report: "Mr. Brodie moved, Erdman seconded, that the Wisconsin Board go on record as opposed to the principle of shared time. Motion defeated 5 to 1 with one abstention. Mrs. Erdman moved, Gunderson seconded, that the Wisconsin CLU support the recommendation of the Church-State Committee of the ACLU (as stated in the January 1965 ACLU Newsletter). Motion passed 4 to 1 with 2 abstentions."

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

March 16, 1965

To: The Board

From: The Office

Re: Affiliate Advice on Capital Punishment

Northern Chapter, Arizona Civil Liberties Union -- A membership meeting on the issue was held with fifty to sixty persons attending. On voting, 12 voted in favor of ACLU taking a stand, 4 against, and 2 wanted their abstentions noted. The following day, 4 persons in one family changed their votes, 3 from favorable to opposed, one from abstaining to opposed.

Southern Chapter, Arizona Civil Liberties Union -- Attached

ACLU of Northern California -- In 1959 the affiliate Board took the position that the death penalty as such does not raise a civil liberties issue. A special committee is now reconsidering that policy, but the Board will not act on its recommendations until April 8.

ACLU of Southern California -- For a number of years the Southern California affiliate has taken the position that capital punishment *per se* violates civil liberties. The affiliate replies affirmatively to each of the four questions put to them.

Colorado Branch, ACLU -- Walter Gerash, Esq. has reported on a membership meeting:

"The general consensus of the group was that:

"1. it is a civil liberties issue in that the death penalty is irreversible and that during the long process of appeal there could be a change of law or a change of facts through newly discovered witnesses that could eventually save the liberty or life of the defendant;

"2. with regard to the death penalty as cruel and unusual punishment, it was felt not to be a civil liberties issue at this state of society where death is so prevalent;

"3. in picking a jury the exclusion of members of the jury who do not believe in capital punishment loads the jury with guilt-prone jurors who indeed are not a proper cross-section of the community, and that this could be a civil liberties issue with regard to a fair jury."

Florida Civil Liberties Union -- The affiliate has opposed the death penalty *per se* for a number of years.

Illinois Division, ACLU -- Attached

Indiana Civil Liberties Union -- "The Legal Panel [of the Indiana CLU] discussed capital punishment and came to the conclusion that it was not a civil liberties question. At the same time the panel agreed that it opposed capital punishment and that individual members of the Union who shared this view would work to have the present abolition bill before the legislative session passed."

Kentucky Civil Liberties Union -- The KCLU Board voted as follows on the questions put to them:

1. 9 affirmative, 2 negative
2. 10 affirmative, 1 negative
3. 5 affirmative, 4 negative, 3 don't know
4a. 8 affirmative, 1 negative, 1 subject to manpower limitations
4b. 9 affirmative, 3 negative
5. 9 affirmative, 2 negative

Maryland Branch -- The affiliate Board voted as follows on the questions put to them:

1. 9 to 9
2. 8 affirmative, 5 negative
3. 0 affirmative, unanimous negative
4a. 12 affirmative, 12 negative
4b. 13 affirmative, 1 negative

Professor Sanford Rosen, Assistant Professor of Law at the University of Maryland and a member of the Board, says: "My impression was that many who oppose capital punishment thought it would be inappropriate for the Union to take a full-blown position opposing it at this time because currently it is more a general socio-political problem than a civil liberties problem. If a policy statement is to be made it was believed that it would be useful for the Union to seek legislative repeal of capital punishment. It was felt, however, that it would be harmful at this time to raise the question judicially, for it is grossly improbable that any court would in the near future hold capital punishment 'per se unconstitutional either under the cruel and unusual punishment clause of the due process clause.' If a court should reach the broad issue and uphold capital punishment as constitutional, the resulting legitimization would have a deleterious effect on any other efforts, including continued political debate, to secure repeal or curtailment.

"As to question number four, it was believed by some that even if no general national policy stand is taken against capital punishment at present, it might still be appropriate to take the action contemplated in the question. It was believed that while such action might imply a national stand against capital punishment in general, it might also imply (or this could be explicated) that when society's ultimate sanction is invoked, without passing a value judgment on the morality, etc., of the sanction itself, the Union feels obligated to redouble its efforts to assure that defendants receive constitutional trials and that their civil liberties have not been violated. In this regard, perhaps something could be formulated that does not smack of shadow fencing."

Subsequently, a membership meeting was called on the subject. Twelve members joined the Board for discussion. Minutes of the meeting say: "Mrs. Sachs took the affirmative and Mr. Wooden the negative, both basing their arguments on the statements of Norman Dorsen and Emanuel Redfield in the December, 1964 Civil Liberties. Again there was lively discussion, with a consensus that there is a steady evolution of Supreme Court interpretation of the Constitution. Mr. Rosen cited the Gideon case

as an example of this evolution, and suggested that the recent questions of Justice Goldberg and two other justices on capital punishment indicate a changing climate of opinion on the Court. Mr. Rosen felt, however, that it will be ten years at least before capital punishment will be declared unconstitutional, and that at present ACLU should stay out of Court. Mr. Rosen's motion that ACLU maintain its 1959 position at this time was passed by a vote of 12 to 10."

ACLU of Michigan -- "The Board of Directors of the Michigan affiliate at its meeting on February 6, 1964, with very little discussion, adopted the position of Mr. Dorsen that capital punishment, at this state in the development of our country, poses a civil liberties problem. The additional point was made in the motion adopted that capital punishment, as three Supreme Court Justices have argued, should now be deemed a cruel and unusual punishment forbidden by the Constitution. One Board member summed up the discussion by saying that 'there may be no legal precedent supporting our position, but civilization is on our side.'

"The Board of the Detroit unit had considered the same subject, somewhat more extensively, at its January, 1964, meeting and had arrived at the same conclusion. The right to life, it was argued by a spokesman for the majority, is the most basic of all civil liberties. The idea that the imposition of the death penalty foreclosed the victim from exercising appeal rights, as well as after-acquired remedies, which would otherwise be available to him and thus deprived him, by state action, of equal protection of the laws found some support also . Nobody argued in favor of capital punishment, but the minority position was that the death penalty was within the degree and kind of punishment which it was within the discretion of a State or Congress to impose. The minority felt the question was a policy, not a civil liberties, question.

"Michigan has never in its history as a State executed anybody, although there have been some executions, pursuant to sentences in the Federal courts, carried out within the borders of this state. In the past half century, at least three attempts to reintroduce the death penalty for specified crimes by state-wide ballot have been rebuffed by the electorate at the polls. These historic facts may be of some moment in evaluating the sentiments of the Michigan membership."

Minnesota Branch, ACLU -- The affiliate decided not to reply to the questions since the state doesn't have capital punishment.

Greater Kansas City Civil Liberties Union -- The affiliate believes that capital punishment as such is a civil liberties issue. Three reasons are given.

"1. It is cruel excessive punishment.

"2. Jury selection in capital cases is based in part on a belief in the death penalty and therefore results in a jury biased in the direction of capital punishment or at least not impartial as between the state and defendant on this issue.

"3. It interferes with due process by limiting post appellate review and by discriminating against the poor and non-whites. Those who are convicted in a miscarriage of justice may be executed in spite of their innocence and have little or no opportunity to vindicate themselves."

St. Louis Civil Liberties Committee -- A motion that the Committee decide that capital punishment is a civil liberties issue failed to pass by a 6 to 4 vote.

New York Civil Liberties Union -- Attached (The memorandum from Sol Rubin to the NYCLU's Committee on Proposed New York Penal Law was adopted by the NYCLU Board which thereby reversed its previous position that the death penalty was not a civil liberties issue.)

Upstate New York Division, ACLU -- A poll of the Board on the four questions produced the following:

"1. 5 in favor, 2 opposed. Of the 5 in favor, two specifically state that the stand should be taken on moral grounds, and as contrary to the spirit of civil liberties, for the legal grounds would be difficult to find. It is interesting to note that these two are not lawyers.

"2. 4 in favor, 2 opposed, and one perhaps. The 'perhaps' really belongs with the 'no' votes, for he prefers the effort to be put into direct litigation.

"3. 4 in favor, 3 opposed. Those opposed seem to feel that capital punishment will never be found unconstitutional.

"4a. 4 in favor, 3 opposed
"4b. 1 in favor, 6 opposed
"The considered opinion of half of those opposed to 4b is that this is too early and would involve the ACLU in too many cases.

"Of those opposed pretty generally all the way down the line, one feels that constitutional aspects are the only reason for the ACLU to involve itself while the other, thinking capital punishment will never be found unconstitutional anyway, feels the ACLU has too many other things to do of greater value.

"Another breakdown of this evaluation which should not necessarily influence the views but does, I think, is that the two members most generally opposed all the way down the line are not particularly opposed to capital punishment for any reasons, while most of the others have long since opposed it on moral and social grounds.

"[In addition, the Central New York Chapter] Board discussed the issue and was informally polled, discovering that while most of the Board disapproved of capital punishment, few were in favor of the ACLU's taking a policy position on it."

ACLU of Oregon -- In response to the four questions put to affiliates, the Board voted as follows:

1. Yes (9-2, 1 abstention)
2. Not prepared to answer at this time
3. Yes (one abstention)
4. No (8-3, 1 abstention), unless case involves a substantial civil liberties issue

ACLU of Pennsylvania, Greater Philadelphia Branch, Pittsburgh Chapter -- Spencer Coxe, executive director, has written:

"Pennsylvania Board Action: The State Board endorsed, by a vote of 12 to 7 the proposition that abolition of the death penalty should be supported by ACLU. The poll did not put the Board on record as endorsing abolition on any particular grounds.

"The Board also voted, 14 to 5, after considerable debate, to endorse legislation prohibiting exclusion of jurors in capital cases because of conscientious

scruples against the death penalty.

"Pittsburgh Action: The Allegheny County ACLU independently considered abolition of the death penalty, and defeated (6 to 3) a motion that 'the death penalty does constitute a civil liberties issue.' In explaining the vote, Mr. Kerr wrote, 'All those present felt that considerable research of the question would need to be undertaken before a useful brief could be prepared. We would want to be satisfied with the results of such research before really knowing whether or not we would desire to use such a brief. All agreed with Mr. Foote's conclusion that engaged-in legislative activity for repeal of the death penalty is probably a useless exercise. All agreed that on a case-by-case basis, the death penalty may be a civil liberties issue.'

"The Pittsburgh Board approved the State Board's endorsement of legislation prohibiting the exclusion of jurors.

"Greater Philadelphia Branch Action: Both questions were considered carefully.... The Board, on January 17, 1963, voted 9 to 6 for the following resolution:

> "that regardless of whether or not the death penalty violates the equal protection and due process provisions of the Constitution, ACLU opposes it on the ground that it constitutes cruel and unusual punishment.

"It was the sense of the Board that the adoption of this resolution does not commit the Branch to assist in each and every legal challenge to the death penalty, nor to launching a major effort for legislative action.

"The Philadelphia Board defeated by a vote of 14 to 1, a resolution supporting legislation prohibiting exclusion of jurors in capital cases because of scruples against the death penalty. The ground of their action was that so long as the law provides for the death penalty (wisely or unwisely), the Commonwealth has a right and a duty to exclude from juries persons who are unable, because of conscientious scruples, to apply the law.

"The various ACLU groups in Pennsylvania did not address themselves specifically to all the questions you raise on page 2 of your memo to affiliates, dated May 4, 1964. Here are some comments on those questions:

"1. This question was answered, as indicated above.

"2. As a matter of tactics, the Pennsylvania ACLU has shelved any plans for an abolition campaign. A big effort for abolition was made by other groups in 1961, and the bill, after public hearings and great publicity, was decisively defeated.

"3. The consensus here is that the cruel and unusual punishment issue should ultimately be raised judicially, but that ACLU should not indiscriminately enter into a lot of capital cases for this purpose. It is thought that if the U.S. Supreme Court invalidates the Delaware whipping statute on Eighth Amendment grounds, this will give impetus to the eventual judicial abolition of capital punishment on the same grounds.

"4. No comment."

Central Texas Chapter, Texas Civil Liberties Union -- The chapter voted 6-3 in favor of a policy stand which considers capital punishment a civil liberties issue.

Wisconsin Civil Liberties Union -- The affiliate chairman, Professor William Rice, has written: "I thought a poll of our board might be of special interest, because this state has not had the death penalty since before anyone now living was born.

"Our unanimous opinion is that the death penalty should not exist; indeed there is hardly anyone in this state that wants it. I think the Board feels that civil liberties are more respected here than in our next neighbor Illinois in part because we do not have the supercharged murder trials. Here 'justice' is much swifter; punishment, mitigated by parole, is relatively mild. The number of criminal appeals to the Wisconsin Supreme Court is notably small.

"Whether the abolition of the death penalty should be called a civil liberty that concerns ACLU cannot be answered yes or no, for the concept of civil liberties may be variously defined. Some of our board feel the ACLU is already spreading itself too much and would be more effective if it plugged solely for the conventional bill of rights. But whatever their feeling in general, ten of our thirteen board members think ACLU should bring abolition of death by state action within the range of its effort and have asked me to transmit this advice for your consideration...."

In addition, a number of members expressed their views after the debate on capital punishment in the December Civil Liberties. Here are excerpts from some letters.

From the Executive Director of the American League to Abolish Capital Punishment:

"Quite apart from other reasons why the death penalty is a civil liberties matter, is not the irrevocability of the death penalty in and of itself a violation of civil liberties?

"It forecloses forever the opportunity of a defendant to establish his innocence at some future time or to prove that the actual facts in his case did not justify conviction for the specific crime with which he was charged.

"Defendants sentenced for capital crimes, while still alive, have frequently been able to show that their convictions were, to some extent at least, miscarriages of justice. Those who are executed are deprived of this right forever.

"Should not every human being accused and convicted of a crime be free to prove to the proper authorities that he was the victim of miscarriage of justice by showing that the evidence was mistaken or misunderstood, or by producing new evidence?

"Does this situation not raise a question of civil liberties?"

"I have just read your December 1964 edition [of Civil Liberties] and am hastening to write in response to the article "Death Penalty -- A Civil Liberties Issue?" I wish to endorse vehemently the yes of Mr. Dorsen, particularly with regard to the question of finality. Surely a form of punishment which leaves the recipient no further chance for redemption or vindication in this enlightened age must be considered 'cruel and unusual.' Surely this is the most urgent civil

liberty issue of all, especially for those unfortunate or unlucky enough to be prosecuted for capital offenses in those states still so backward as to invoke the death penalty."

"It astonishes me that the ACLU should still be in doubt about a position on capital punishment. I should think the reasons for opposing it would be, as someone once put it, self-evident.

"A death sentence is an irrevocable pronouncement of the infallibility of a judge and jury. At the same time, it is an equally irrevocable pronouncement against the mortal value of a human life. Taken together, these mean that a person ceases to exist by the fiat of his fellow-citizens, which is more power over an individual's life than anyone concerned with civil liberties should be willing to concede.

"It may be that these sentiments cannot be reduced to the measured wording of the Bill of Rights, but on the other hand not all civil liberties or civil rights are to be found in the Bill of Rights or the Constitution."

"Having attended the recent Maryland Branch meeting concerned with discussion of...capital punishment, I would like to set forth my own personal reasons for voting on an affirmative answer.

"The strongest technical reason that I know of for considering the death penalty to be a civil liberties issue is that the death penalty is a cruel punishment....

"I believe it to be a fact that if a person has described to him the details involved in electrocuting, hanging, gassing or otherwise executing a person, and is then asked to decide whether he considers such things cruel or not cruel, a vast majority will assert that such practices are cruel. If so, it follows as the night the day that the American Civil Liberties Union has minimal technical grounds for considering the death penalty to involve civil liberties issues.

"One common objection to considering the death penalty to be unconstitutional is that 'other practices may also be unjust or cruel.' Quite so. But here the issue is whether this practice is unjust or cruel, not whether there may be others."

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

March 16, 1965

To: The Board

From: The Office

Re: Shared Time

The national Church-State Committee discussed shared time, as an ACLU policy question, at four meetings. It had before it position papers arguing respectively that it would be a violation of civil liberties for public schools not to accept part-time students in shared time programs, that civil liberties issues are not necessarily raised by shared time programs, and that shared time programs do necessarily violate civil liberties. It also had information on several specific shared time plans.

For Board consideration at the April 3-4 meeting, the following papers are enclosed:

1. The Church-State Committee's "Proposed Policy Recommendation on the Issue of Shared Time," a May 29, 1964 memorandum from Jack Pemberton to the affiliates and Board.

2. A June 11, 1964 memorandum from Roger Baldwin.

3. Affiliate opinion on the issue (including results of several membership meetings. These were held in accord with the Biennial Conference resolution suggesting such meetings, and following special feature articles on shared time in the January, 1965 issue of Civil Liberties.)

4. Views of Three ACLU Members

5. An appendix containing information on several specific plans.

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

March 16, 1965

To: The Board

From: The Office

Re: Views of Three ACLU Members in Response to Civil Liberties Debate on Shared Time

"As a long-time member of the Civil Liberties Union I strongly disapprove the Church-State Committee's recommendation of the 'shared time' proposal -- 'Cardinal Spellman's camel' as it is known here in Washington. Apparently the learned Committee's involvement in constitutional quibbling lost sight of the real meaning of the proposal. The real meaning, fellow members, is a wedge, yes, I guess I can call it a substantial wedge, in the battle to gain complete public support for parochial schools."

"....If there are church-operated schools, they should accept the responsibility for the whole education of the whole individual.

"The further opposition is this; if the state is to make available facilities for (for example) manual training or science laboratories, it will soon be evident that it would be less expensive and more practical to provide these facilities to the church-operated school outright."

"I do not question the fact that parochial schools are having financial problems, nor do I question the fact that if all the parochial schools were suddenly to close their doors the public education system would have much greater problems. I believe that if there were no private schools the public school system would be much better than it is. I am ready to accept the consequences of an enlarged public system of education.

"Shared time is simply an artificial aid to parochial schools and as such is a threat to the public schools. It is nonsense to say that it is merely an issue of educating children. The Roman Catholic church, and it is for the Catholic schools the pressure is being exerted, maintains schools for the purpose of teaching children to adhere to its doctrines, otherwise there would be no point in staffing schools with priests and nuns. If Catholic parents wish to separate their children from the rest of society that is their privilege. If they do not feel that religious instruction in the church and the home is adequate, then they should be prepared to pay for it.

"I am seriously concerned about this situation in the ACLU....It seems to me rather hypocritical to spend so much effort on cases about creches at Christmas or saluting the flag or prayers in schools if you are going to support the strengthening and spread of parochial schools and thereby foster a division in our society. If you support shared time I cannot help feeling that you betray John Haynes Holmes and Roger Baldwin."

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

March 16, 1965

To: The Board

From: The Office

Re: 1964 Board consideration of capital punishment

Excerpt from January 6, 1964 Board minutes

Judge Waring called the Board's attention to the working papers on capital punishment submitted by Professor Dorsen and Mr. Wulf. He reported that the Due Process Committee had, after long discussion, been unable to reach a consensus on the matter, and had agreed to bring it directly to the Board. He stated that in his view the ACLU should not take any action on capital punishment as such, and not intervene in any case on that ground alone. Professor Dorsen then presented the arguments made in his memorandum to the Board. He pointed out that the results of Mr. Wulf's poll of the Due Process Committee showed that the majority of its members were in favor of the Union's taking some specific actions on capital punishment.

Following Mr. Dorsen's presentation, Judge Waring moved that the Union adhere to the position that it take no action on the issue of capital punishment. This motion was seconded. Mr. Ennis stated his opposition to the Union's taking a less progressive position than that of a minority of the Supreme Court (referring to the minority position in Rudolph v. Alabama). Mrs. Pilpel stated that capital punishment does present a civil liberties issue because it has turned, in fact, into class legislation; it is imposed almost exclusively on the poor, the illiterate, the ill-represented. Mr. Rice said that Professor Dorsen's statements on the irreversible nature of the punishment involved were for him the crux of the civil liberties issue involved: when capital punishment has been imposed, the convicted person is conclusively deprived of any available remedy for the possible miscarriage of justice, and thus is deprived of due process of law.

Mr. Fraenkel moved as a substitute for Judge Waring's motion that (provided a factual study has been made which seems to justify the following conclusion) the Union should enter an appropriate case of capital punishment on the ground that the imposition of capital punishment is discriminatory on the basis of race or class. Judge Waring stated that the discrimination involved against minority groups or certain classes of society would be involved in all criminal cases, not just those involving capital punishment. Mr. Fraenkel agreed, but stated that since the Union is not a defense organization, we must select cases on the basis of their presenting a novel issue, which capital punishment does because of its gravity. Mr. Ennis commented that matters of degree do make constitutional issues. Mr. Frank expressed his opposition to the motion, saying that this was not the Union's job, but should be done by such organizations as the New York Committee to Abolish Capital Punishment. The question was called and Mr. Fraenkel's motion passed by a vote of 12-5.

Mr. Fraenkel then moved that the Union enter an appropriate case if one arises within our area of action which deals with the subject of the dissenting Goldberg opinion that there is a constitutional issue in the imposition of capital punishment in cases not involving a threat to life or the taking of a life. This motion was seconded. Mr. Brown moved to table the motion, expressing his strong disapproval of making a policy decision on the basis of a Supreme Court opinion we have not studied. Mr. Fraenkel agreed to substitute for his motion the following: that the Due Process Committee be requested to look into the appropriateness of taking the action suggested in the above motion. This motion was passed by a vote of 9-4.

After a brief discussion of the other questions put to the Due Process Committee in Mr. Wulf's poll, Mr. Fraenkel moved that the Board proceed to the next order of business, and it was agreed to do so.

Excerpt from January 20, 1964 Board minutes

Mr. Baldwin enlarged upon the considerations presented in his letter of January 9, circulated with the agenda. He urged that in principle the imposition of capital punishment does raise an issue of civil liberties concern because it eliminates the opportunity for redress of errors, which may occur especially in cases arousing strong emotions such as political offenses and sex crimes. Mr. Rice, citing the Sacco-Vanzetti case to illustrate Mr. Baldwin's proposition, moved that the Union seek repeal of laws authorizing the death penalty, on the Baldwin ground. Mr. Fraenkel moved to amend this motion to read: "Believing on policy grounds that capital punishment makes it impossible to correct errors in the administration of justice, we support efforts in states which have laws authorizing the death sentence to bring about their repeal." The motion to amend carried 9-5.

Prior to consideration of the main motion Mr. Pemberton urged the Board to adopt whatever position it takes as a tentative position on which to solicit affiliate advice prior to final action. However, Mr. Prashker suggested that the Board's deliberations had subdivided the issue too much, causing a failure to define the philosophical basis for the separate positions proposed (inherently discriminatory application, injustice of imposing where life has not been threatened -- at the January 6 Board meeting -- and state but not federal legislation at this), and moved for this reason to table the main motion pending further consideration by the Due Process Committee. The motion to table carried 11-3.

AMERICAN CIVIL LIBERTIES UNION

156 FIFTH AVENUE

NEW YORK, NEW YORK 10010

March 17, 1965

To: The Board of Directors

From: The Office

Re: Free Speech and the Libel Law

The Free Speech-Association Committee considered this question at five meetings in 1963 and 1964. The Committee was divided as to what policy to recommend and decided to present alternative statements to the Board. These statements (labeled the Soll and Hendel statements) with supporting comments are enclosed.

Also enclosed are : (1) a factual memorandum on developments in the libel-free speech area since the Supreme Court's 1964 decision in Times v. Sullivan, and (2) a summary of affiliate comments on the Soll and Hendel statements.

AMERICAN CIVIL LIBERTIES UNION

156 FIFTH AVENUE

NEW YORK, NEW YORK 10010

March 17, 1965

To: The Board

From: The Office

Re: Summary of Affiliate Views on Soll and Hendel Statements on Free Speech and the Libel Law

Of those affiliates which responded six indicated general support of the Soll statement, none supported the Hendel statement, and two opposed both the Soll and Hendel statements. A majority of affiliates have not yet commented at all, although some indicated the matter was under discussion. (The ACLU of Washington State has promised to provide a paper which will be circulated later. Their views are especially important because of the Goldmark libel case in that state). In some cases, the comments were not those of the affiliate's board of directors, but instead represented the view of ad hoc committees, free speech committees, etc.

Some affiliates that supported the Soll statement in general felt, nevertheless, that consideration should be given to some changes. For example, the view was expressed that the right to recovery in a libel suit by a lower-ranking civil servant should be no different than that afforded the ordinary citizen, that is, that malice need not be proved by such civil servant (Free Speech Committee of ACLU of Georgia). One affiliate felt there should be no inhibition upon any public official to sue and cited the problems encountered by Senator Yarborough in his recent Senate contest, which would have been more aggravated if there were no libel protection for public officials (Central Texas ACLU Board). A few thought the ACLU should not oppose punitive damages in all cases (Greater Kansas City CLU Board, St. Louis Civil Liberties Committee Board, and perhaps the Illinois Division's Freedom of Communication Committee; the latter two affiliates having opposed both the Soll and Hendel statements). Some felt that extending the group of people who could not sue for libel in the absence of proof of malice from public officials and candidates to "persons in public life" was not wise because the phrase was too vague (Greater Kansas City CLU Board, Freedom of Communication Committee of Illinois Division and the Maryland Branch CLU Board).

One group felt there might be merit to permitting group libel suits (Executive Committee of CLU of Massachusetts). One refused to condemn a criminal libel prosecution in a case where a Nazi had libeled Negroes as a group (ACLU of Michigan Board action in November, 1964 which is now up for reconsideration).

Two groups (Illinois and St. Louis) felt that both the Soll and Hendel statements were unacceptable for basic reasons.

The St. Louis Board said:

1. We do not oppose punitive damages in libel cases on principle and therefore do not support either statement in this area.

2. We do not accept any restriction upon a public official's right to bring a suit for libel and therefore do not support either statement in this area.

The Freedom of Communication Committee of the Illinois Division said:

"The Illinois Division Freedom of Communication Committee believes that in view of the scope and complexity of the problems involved in the laws of libel, it would serve no useful purpose for the American Civil Liberties Union to issue a statement considering problems in the libel area in the abstract.

"The Illinois Division Freedom of Communication Committee believes that, as an organization, we can be most useful by following future specific cases closely and by commenting on problems which may arise in those cases.

"The Illinois Division Freedom of Communication Committee, without wishing to record a considered legal opinion, also takes this opportunity to express a series of preliminary reservations about both the Soll and the Hendel position papers:

1. The Illinois Division Freedom of Communication Committee, disagrees with the Hendel position that the public and the press should be free to criticize officials and discuss public affairs with impunity regardless of any 'malice' involved.

2. The Illinois Division Freedom of Communication Committee disagrees with both Soll and Hendel that recovery in libel suits should be limited only to compensatory damages or actual provable monetary loss.

3. The Illinois Division Freedom of Communication Committee objects to the failure of both the Soll and Hendel statements to clarify those particular aspects of the lives and conduct of public officials which may be criticized with impunity, i.e., may only the actions of public officials in the course of their official duties be criticized or may any aspect of an officials private life be commented on without regard to the relationship between that conduct and the official duties of the individual involved.

4. The Illinois Division Freedom of Communication Committee objects to the general distinction drawn by both Hendel and Soll between comment on an individual's general social or political attitude as compared to comment on an individual's specific affiliation or other overt conduct.

5. The Illinois Division Freedom of Communication Committee objects to the granting of special immunity for statements commenting on persons in public life. Whether the malice test is utilized or not, the formulation by Soll of 'persons in public life' is too vague and extends the privilege of free comment too far."

WORKING PAPER, NOT FOR PUBLIC DISTRIBUTION

Prepared by George Soll May, 1964

FREE SPEECH AND THE LIBEL LAW

1. A free society is one in which there is freedom of speech and of the press -- where a market place of ideas exists in which all points of view compete for recognition. Whether viewpoints or ideas are wrong or right, obnoxious or acceptable should not be the criterion. Speech cannot be restricted without making the government the arbiter of truth -- a situation no free society can accept.

2. But defamatory attacks on individuals have little relation (if any at all) to the purposes for which freedom of speech is safeguarded. False statements involving character assassination do not forward the process of a market place of ideas. In the absence of an overriding public interest, therefore, the right to sue for libel has not in itself been regarded as a violation of civil liberties.

3. The ACLU believes that civil liberties have not been infringed in the ordinary case where one seeks to recover compensatory damages because of false statements about character. Compensatory damages may include so-called special damages, that is, actual provable monetary loss and general damages, awardable in actions of libel per se, that is, the recovery of damages even when actual loss cannot be proved when the false statement charges dishonesty, immorality, criminality or professional unreliability or misconduct.

4. We deem punitive damages (which are sometimes awarded in addition to compensatory damages when malice is proven) to be inconsistent with First Amendment principles since they are intended, not to compensate the plaintiff for any loss he has suffered, however general in character, but to punish the defendant.

5. Actions under libel laws present a special problem to free speech when false statements are made about present or former public officials, candidates for public office and persons in public life. In order to permit the widest scope or criticism and free discussion, we believe that a false statement about public officials, former public officials, candidates for public office and persons in public life, in matters of public affairs, should not be deemed defamatory unless proven with convincing clarity to have been made with malice. By malice we mean actual knowledge of the falsity of the statement or a reckless disregard of whether or not it is false. Statements about such persons not related to matters of public affairs would, of course, come under the general rules of the libel law.

6. Imputations and charges as to the holding of political, economic, religious or other kinds of views or beliefs should be considered within the protection of free speech and not subject to libel actions. To call a man pro or anti-labor, pro or anti-Semite, pro or anti-Negro for example, is to characterize his attitudes and beliefs. Those attitudes and beliefs may expose him to disfavor and he may therefore be injured if they are falsely represented. But the injury is speculative in amount and often impossible to prove. Moreover, the characterization of attitudes and beliefs is an indispensable ingredient in public debate.

7. However, falsely to accuse a person of overt conduct, such as membership or affiliation with a particular organization is of a different character. For example, to assert that someone is a member of the Communist Party may expose him to legal disabilities (despite A.C.L.U. objection to many statutes that have this result), may result in his deportation, bar him from public employment and subject him to extreme public disgrace and ignominy. The same may be true of characterizing someone as a Nazi or Fascist if membership in a specific organization is intended. A distinction is to be drawn if terms are used as a purported description of social and political attitudes rather than of specific affiliations or other overt conduct. Thus saying that one is a "radical" or "has communistic ideas" should not generally be libelous. But, if the use of such words is in a context which falsely implies overt conduct or specific affiliation then such use may be libelous.

8. Criminal Libel -- The ACLU opposes all criminal prosecutions for libel. We believe that the award of damages in a civil action provides an adequate remedy for the libeled individual and that the public interest in preventing defamation is not sufficient to justify the repressive effect which criminal libel may have on free expression.

Although our opposition to criminal libel laws is not confined to the operation of those laws in cases where the defamed person is a public official, candidates for office or other public figure, we think it is important to note that a disproportionate number of criminal libel prosecutions occur in this context. The repressive effect of criminal libel laws could operate most strongly, therefore, in the very area in which it is vital that the greatest possible scope be given to free expression.

9. Group Libel -- Our opposition to laws which permit criminal prosecution for libel includes the so-called "group libel" laws. Such laws have been enacted in a number of states and, in recent years, federal group libel legislation has been proposed. The Illinois group libel statute was upheld by the United States Supreme Court in Beauharnais v. Illinois, 343 U.S. 250 (1952), over vigorous dissent.

Group libel laws are aimed at those who engage in false, abusive attacks on racial, religious or other groups within the society and who promote, thereby, unreasoning hatred directed toward such groups. Proponents of group libel laws note that the ordinary law of libel, whether applied civilly or criminally, will not reach defamers of a group except in the unusual case where the group is so small as to compel the conclusion that each individual member of the group is necessarily libeled by the defamatory statement.

The characteristics which distinguish group libel from other criminal libel situations, then, are the special threat to society posed by hatemongering and the absence of an available civil remedy. Neither of these factors is sufficient, in our opinion, to justify group libel legislation. The type of statements sought to be proscribed by group libel laws, like defamatory statements about public officials require protection because they frequently will pertain to social and political issues of public importance. The injury resulting from a group libel is generally remote and inconsequential and, while the statements involved may well be offensive and hateful, still it is better that they be openly expressed and, therefore, accessible to challenge and debate.

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WORKING PAPER, NOT FOR PUBLIC DISTRIBUTION

Prepared by Prof. Sam Hendel May, 1964

FREE SPEECH AND LIBEL LAWS

1. In a free society, in the realm of public discussion, all points of view must be permitted to compete for recognition and acceptance. For, when men govern themselves, they must be free to hear the arguments, weigh the evidence, and decide the merits for themselves. As Alexander Meiklejohn has said, "That freedom is the basic postulate of a society which is governed by the votes of its citizens." Accordingly, whether the ideas are "right" or "wrong," acceptable or obnoxious, is not relevant; their expression may not be restricted unless government is to be the arbiter of truth -- a viewpoint no free society will accept.

2. But, even in the private realm, imputing or charging political, economic, religious (or other) views, however extreme or unpopular, should be considered within the protection of freedom of speech and not subject to libel actions. To call a man pro or anti-Communist, fascist, Negro, or Semitic, for example, may expose him to disfavor, and in particular circumstances, cause him personal injury. But the nature and extent of such injury are likely to be spectulative; and, in any event, to extend the rule of libel to encompass such characterization would tend to silence or make hazardous, the expression of unpopular or controversial views.

However, falsely to accuse a person of overt conduct, such as membership or affiliation with a particular organization is of a different character. For example, to assert that someone is a member of the Communist Party may expose him to legal disabilities, result in his deportation, bar him from public employment, and subject him to extreme public disgrace and ignominy. The same may be true if someone is characterized as a Nazi or Fascist -- if membership in a specific organization is charged or imputed. In short, a distinction is to be drawn between a description of social and political attitude, on the one hand, and of specific affiliation or other overt conduct, on the other.

In the circumstances, however, when a suit for libel would not be a violation of civil liberties per se, recovery should be limited to "compensatory" damages i.e., only actual provable monetary loss. A recognized and legitimate exception relates to actions known to the law as libel per se (involving false charges of dishonest immorality, criminality, professional unreliability, or misconduct), when actual loss cannot be proved; in such instances, so-called "general" damages may be awarded. However, we deem punitive damages (which are sometimes awarded in addition to compensatory damages when malice is proven) to be inconsistent with First Amendment principles since they are intended, not to compensate the plaintiff for any loss he has suffered, however general in character, but to punish the defendant, and thus place an unduly heavy burden upon free expression.

3. Laws permitting libel actions when false statements are made about a public official, former public official, or a candidate for public office, in his capacaty as such, present a special problem affecting civil liberties. Defamatory statements and charges of misconduct may do serious injury to the individual. But so compelling is the public interest in free and open discussion, that the First Amendment should be construed, as Mr. Justice Black has suggested, to leave "the public and the press free to criticize officials and discuss public affairs with impunity," and, in these circumstances, to give immunity against actions in libel.

Such immunity is no greater than that enjoyed by all members of Congress, and many other legislators, judges, and executive officers in the performance of their functions of office. It proceeds on the premise of a transcendent public interest in free and untrammeled discussion of public affairs. As Mr. Justice Goldberg has pointed out this "does not leave the public official without defenses against unsubstantiated opinions or deliberate misstatements. Under our system of government, counter argument and education are the weapons available to expose those matters, not abridgment of free speech."

4. Criminal Libel -- The ACLU opposes all criminal prosecutions for libel. We believe that the award of damages in a civil action provides a remedy for the libeled individual and that the public interest in preventing defamation is not sufficient to justify the repressive effect which criminal libel laws may have on free expression.

Although our opposition to criminal libel laws is general and not confined to the operation of those laws in cases where the defamed persons are public officials, candidates for office, or other public figures, we think it is important to note that many criminal libel prosecutions are brought against such persons. The repressive effect of criminal libel laws may operate most strongly, therefore, in the very area of which it is vital that the greatest possible scope be given to free expression.

5. Group Libel -- Our opposition to laws which permit criminal prosecution for libel includes the so-called "group libel" laws. Such laws have been enacted in a number of states and, in recent years, federal group libel legislation has been proposed. (The Illinois group libel statute was upheld as constitutional by the United States Supreme Court in Beauharnais v. Illinois, 343 U.S. 250 (1952), over vigorous dissent.)

Group libel laws are aimed at those who engage in false, abusive attacks on racial, religious, or other groups within the society and who promote, thereby, unreasoning hatred toward such groups. And, proponents of group libel laws note that the ordinary law of libel, whether applied civilly or criminally, will not reach defamers of a group except in the unusual case where the group is so small as to compel the conclusion that each individual member of the group is necessarily libeled by the defamatory statement.

In our opinion, neither of these factors is sufficient to justify group libel legislation. The type of statements sought to be proscribed by group libel laws, like defamatory statements about public officials, frequently pertain to social and political issues of public importance. The injury resulting from a group libel is generally remote and, while the statements involved may well be offensive and hateful, still it is better that they be openly expressed and, therefore, made accessible to challenge and excoriation. In general, a free society must put its trust in public wisdom rather than in repressive legislation.

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September, 1964

STATEMENT SUPPORTING SOLL POSITION

By Herbert Channick

The statements on Free Speech and the Libel Law drafted by George Soll and Professor Hendel agree substantively except with respect to the area of libel actions by "public officials" (and certain others) based on false statements about such persons in their public capacity.

Both statements agree that free discussion of matters of public importance is inhibited if the ordinary rules of recovery in libel cases are to operate in this area. However, they disagree as to the persons who should be placed under special disability in seeking to recover damages for libel and as to the extent of that disability. Professor Hendel restricts the operation of his proposed rule to public officials, former public officials and candidates for public office. The Soll position adds the broad category of persons "in public life" leaving it to the courts to determine whether a particular person meets that description or not.

Keeping in mind the agreed goal of promoting a maximum of free discussion about matters of public importance, it seems clear that the strict categorization of Professor Hendel's approach would produce some questionable results. Many persons who are not public officials and do not run for office nevertheless play such a prominent role in public affairs that statements about them may very well relate to matters of considerable importance to society. Martin Luther King, Robert Welch, H. L. Hunt and James Reston are names which come to mind of persons whose activities have made them a more important subject for public discussion than, say, the former Deputy Sheriff of Suffolk County. It is essential, therefore, to include "persons in public life" among those whose right to sue for libel shall be restricted.

With respect to the second question -- whether the right to sue for libel shall be absolutely barred to such persons or merely limited, the position taken by the Soll paper is that taken by the majority in the recent New York Times case while Professor Hendel supports the position of Justices Black, Douglas, and Goldberg. The Soll statement would permit a public official, candidate for office, former public official or other person in public life to recover for libel when a false statement, made about him in his public capacity, is proved with convincing clarity to have been made with malice. Malice, for this purpose, means actual knowledge of falsity or reckless disregard of whether or not a statement is false. Professor Hendel's position is that the persons within the operation of the rule should be absolutely barred from recovering damages for libel on the basis of any statement made about such person in his public capacity.

No friend of civil liberties will quarrel with the statement that "where public matters are involved, the doubts should be resolved in favor of freedom of expression rather than against it." But this kind of statement, reassuring as it may be to our own feeling of righteousness, does not really help to solve difficult problems.

The Times decision itself represents an historic step forward in the evolution of free speech in the United States. Previously, a public official's right to sue for libel was not substantially different than that of any private citizen. The

Times case places on the public official the burden of proving with convincing clarity that the defendant made a statement which he knew to be false or which was made in reckless disregard of whether or not it was false. The Court made it clear that ordinary negligence on the part of the Times would not support a finding of malice. Properly applied, the rule of the Times case represents a rational accommodation between the need for free discussion of public issues and the right of public figures to have some measure of protection against willful or reckless character assassination.

We disagree strongly with two assumptions which seem to underlie Professor Hendel's position. The first is that the requirement of malice will not be enforced. The A.C.L.U. should formulate its position on libel on the basis of sound policy rather than on a pre-judgment as to how courts and juries will behave. Nor should it be assumed that appellate courts will not be capable of dealing with civil court findings which are not supported by the evidence. The second assumption is that we are dealing with a regional problem -- libel actions by Southern public officials in Southern courts against Northern newspapers. In fact, we are trying to formulate a rule which will apply with equal validity to all libel actions by public figures in every part of the country. We are concerned not just with the New York Times as defendant, but with candidate Newmark as plaintiff.

If plaintiffs must prove actual malice with convincing clarity, and if juries cannot award punitive damages, libel actions by public figures will present no substantial threat to free discussion of political and social issues. And willful or reckless lies make no contribution of value to that public discussion of such issues which we seek to encourage and which the First Amendment is designed to protect. Careful consideration of the present problem leads us to conclude that the A.C.L.U. should vigorously endorse the position taken by the majority in the Times case and should add to that endorsement the further constructive steps suggested with respect to criminal libel, group libel, punitive damages and the imputation of unpopular, political or social views.

September, 1964

STATEMENT SUPPORTING HENDEL POSITION
By Samuel Hendel

Apart from variations in organization and phrasing, there is, I believe, only one important difference between the "Soll" and the "Hendel" formulations. (Such reference is for convenience. Actually, each statement is the result of considerable discussion involving a number of persons and each builds upon the 1947 ACLU statement.) That difference relates to libel actions against a special group, i.e., "present or former public officials, candidates for public office and persons in public life" (paragraph 5 of the "Soll" statement), or (as put in paragraph 3 of the "Hendel" statement)' " a public official, former public official, or a candidate for public office, in his capacity as such." The difference in the language describing the group while not insignificant is, I believe, accidental and unintentional. The substantive difference is that in the "Soll" statement false statements against such persons would "not be deemed defamatory unless proven with convincing clarity to have been made with malice," while in the "Hendel" version, the First Amendment would be construed "to leave the public and the press free to criticize officials and discuss public affairs with impunity, and, in these circumstances, to give immunity against actions in libel."

To a substantial extent arguments in support of the "Soll" position will be found in the reasoning of Justice Brennan in New York Times v. L.B. Sullivan, decided March 9, 1964, and those in support of the "Hendel" position in the reasoning of Justice Black and Justice Goldberg.

The weakness of the "Soll" position, in my opinion, is that in circumstances in which the public interest in free and open discussion is compelling and should be transcendent, it would tend to self-censorship or timidity. Thus, even Justice Brennan, in rejecting the argument that the constitutional guarantees are met if truth, may be offered in complete defense stated that:

> "A rule compelling the critic of official conduct to guarantee the truth of all his factual assertions -- and to do so on pain of libel judgments virtually unlimited in amount -- leads to a comparable 'self-censorship.' Allowance of the defense of truth, with the burden of proving it on the defendant, does not mean that only false speech will be deterred....Under such a rule, would-be critics of official conduct may be deterred from voicing their criticism, even though it is believed to be true and even though it is in fact true, because of doubt whether it can be proved in court or fear of the expense of having to do so....The rule thus dampens the vigor and limits the variety of public debate."

It seems to me, although Justice Brennan did not carry the argument so far, that freedom of expression will be in similar jeopardy if the critic of public officials must depend upon the finding of a jury that the false statements had not been "proven with convincing clarity to have been with malice." As Justice Black pointed out in this connection,

> "This record certainly does not indicate that any different verdict would have been rendered here whatever the Court had charged the jury about 'malice,' 'truth,' 'good motives,'

'justifiable ends,' or any other legal formulas which in theory would protect the press. Nor does the record indicate that any of these legalistic words would have caused the courts below to set aside or to reduce the half-million-dollar verdict in any amount."

The New York Times on April 2, 1964 reported that "at least 17 libel actions brought by public officials in three Southern states against newspapers, magazines and a television network are pending in state and Federal courts."

If less than complete immunity is granted in the realm of public discussion, freedom of speech will be greatly inhibited because few are the individuals or organizations who will risk the burden and expense of litigation in the hope that the Supreme Court will ultimately review the evidence and find a lack of malice.

As is pointed out (in paragraph 3 of the "Hendel" statement) such immunity is no greater than that enjoyed by all members of Congress, and many other legislators, judges, and executive officers, and proceeds on the premise of a transcendent public interest in free and untrammeled discussion of public affairs. As Justice Goldberg has said,

> " If the government official should be immune from libel actions so that his ardor to serve the public will not be dampened... then the citizen and press should likewise be immune from libel actions for their criticism of official conduct. There ardor as citizens will thus not be dampened...."

It has been suggested that the ACLU ought not to focus on the perversions of justice in the South without regard to the national implications of its recommendations regarding defamation. One must bear in mind, to be sure, the damage that has been and might be done to public officials or others in public life, by an uninhibited McCarthyite journal. This is a valid consideration but, on balance, I would agree with Justice Goldberg that "where public matters are concerned, the doubts should be resolved in favor of freedom of expression rather than against it." Certainly, this should be true for the American Civil Liberties Union.

/s/ Samuel Hendel

Samuel Hendel

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

March 23, 1965

To: The Equality Committee

From: The Office

Judge Dorothy Kenyon, chairman of the Committee, has asked us to apologize for not scheduling a meeting since last year. She and the office are working on a comprehensive statement summarizing the problems of "compensatory" and "preferential" treatment, based on the Committee's discussions, but a variety of pressures has delayed its completion; we hope to have it ready this Spring.

However, these are other issues which require the Committee's attention, and the April 3-4 meeting will therefore be devoted to:

1) ACLU position on discrimination by private organizations;

2) further action to challenge discrimination in housing (the significance of the Proposition 14 defeat in California and use of local referenda to defeat housing ordinances -- see memorandum by Charles Frankel, enclosed;

3) race labelling by the press (to be considered also by the Free Speech-Association Committee);

4) state laws precluding new residents from voting in federal elections;

5) ACLU cooperation with all lawyers involved in the civil rights movement (Biennial Conference resolution as amended by the Board on September 14, 1964 -- excerpt from Board minutes, enclosed.)

The Committee will meet for dinner (6:15 p.m.) on Thursday, April 1. Please return the enclosed card indicating your attendance.

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

March 23, 1965

To: The Equality Committee

From: The Office

Re: Excerpt from September 14, 1964 Board minutes

"c. Legal work in the civil rights movement. Mr. Pemberton briefly explained that the Biennial Conference formulation of this recommendation developed in the context of the work of the ACLU-sponsored Lawyers Constitutional Defense Committee, some of the constituent organizations of which favored the exclusion from its work of members of the Lawyers Guild. Discussion proposed clarification of the meaning of the statement through substitution of the expression 'by reason of membership in any organization' for 'by reason of membership in an organization that is disapproved,' and confinement of its application to the functioning of LCDC. Other members, however, opposed the latter suggestion, pointing out that exclusion of lawyers from participation in the civil rights movement on grounds of their associations had become a problem affecting the entire effort. Mr. Ennis proposed separate consideration of a narrower version (applicable only to LCDC), without prejudice to the subsequent discussion of a broader resolution. Accordingly he moved that:

> 'The spirit of cooperation being of paramount importance, the ACLU disapproves of the exclusion of any recognized and accredited attorney from participation in the civil rights work of LCDC solely by reason of his membership in any organization.'

"As so worded, the Ennis motion was adopted unanimously.

"Mr. Kunstler then moved consideration of a broader version of the same statement (which would eliminate the reference to LCDC in the foregoing statement and make it applicable as a general rule to ACLU participation in the civil rights movement) but after discussion in which referral to an appropriate committee was suggested, a motion by Mr. Vladeck to table and so refer was adopted by a vote of 9-7.

Memorandum on Referenda and the Democratic Process

by Dr. Charles Frankel

Because referenda are regarded as instruments for the expression of the popular will, they are commonly thought to fulfil important functions in a democratic society. However, there still remains a question whether referenda should be regarded as having more authority than other instruments of democratic government such as judicial decision or legislative action. This question cannot be settled by appeal to the principle that popular will should be supreme in democracy.

1. The issue turns in part on what is meant by "the popular will". In a constitutional democracy, "the popular will" is commonly taken to be expressed, in the last analysis, in and through elections. For this view to be defensible, however, it is obviously necessary to presuppose that the elections are free and fair. It must therefore also be presupposed that the rights of individuals have been protected, that no artificial barriers have been placed on the competition among people and points of view, and that the constituency whose will is expressed in the elections is composed, within limits, of all those who may make a reasonable claim to be considered members of the group affected. Accordingly, a number of antecedent conditions, defining personal liberties and free competition for votes, must be accepted to give definite content to the concept of "the popular will". Referenda cannot be thought to have the authority to remove such safeguards, unless we are prepared to grant a power to referenda to abolish the very method of democratic government within which referenda themselves acquire their justification.

2. Apart from the conditions prerequisite for free and fair elections, constitutional democracies also commonly recognize the existence of "basic" or "fundamental" individual rights which are not subject to overthrow by majority rule. A list of such rights, admittedly, is subject to change. Thus, reasonable men may sincerely disagree whether or not the protection of individuals against discrimination in housing falls within the area of "fundamental" rights. However, with respect to decisions about such matters, referenda are not commonly employed in constitutional democracies to resolve the issue. Legislative action and decisions by the courts are more common. The question whether such authority should be given to referenda depends on the extent to which we are prepared to allow direct democracy to make decisions about fundamental rights. Most democratic theories, for obvious reasons, prefer to adopt the principle of majority rule only within a framework of antecedently recognized rights.

3. It is anything but self-evident that direct decision by the electorate should be accepted as a more direct expression of the "popular will" than the decision of elected representatives in the legislature. The latter can give the issues more concentrated attention, and may normally be expected to have more information at hand with regard to the issues at stake. Moreover, there is no evidence that referenda are freer from political or propagandistic manipulation than are legislative decisions. In fact, all modern constitutional democracies are representative democracies. Under contemporary conditions, direct democracy is not a workable form of government. Within the framework of parliamentary government, referenda may be employed for certain definite purposes. But to justify them on the ground that direct democracy is to be preferred to representative democracy is to import an irrelevant and misleading standard. When referenda are justified, the justification is pragmatic. It cannot be assumed on principle that they are better expressions of "popular will" or "more democratic" than parliamentary government.

4. Obviously, the concept of "representative government" entails that the citizenry have instruments at their disposal by means of which they can influence and restrain the actions of their chosen leaders. These instruments include resources for free inquiry and publicity, independent political parties, rights of free speech and association, and the residual power to appeal to the courts. To this list of instruments for controlling the actions of elected representatives there may also be added the instrument of referenda. The degree to which reliance should be placed upon them, however, depends upon the degree to which they actually function as effective instruments for combatting bossism and other abuses. They are by no means the only instruments for democratic control of elected leaders, nor are they essential instruments. Short of a definition of "democracy" in plebiscitarian terms, referenda cannot be brought among the essential rights of citizens of democracies. The justification for them is entirely pragmatic, and it ceases, in my view, precisely at the point where the safeguarding of fundamental rules of democratic procedure is at stake.

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York, New York 10010

MINUTES

SPECIAL MEETING OF THE FREE SPEECH/ASSOCIATION COMMITTEE
WEDNESDAY EVENING, MARCH 24, 1965 6:15 p.m.
ACLU OFFICE

Present: Mr. Soll, presiding; Miss Fingerhood, Mrs. Pilpel, Messrs. Channick, Crowell, Lowenstein.

Staff: Messrs. Reitman, Bucholz.

The Committee met to discuss formulation of ACLU policy on where the right to report ends and the right to protect the privacy of an individual begins. Mr. Soll referred to two memoranda by Miss Fingerhood and himself previously distributed to the Committee and asked whether any Committee member would suggest an initial position for discussion purposes. Mrs. Pilpel suggested the Committee reaffirm the position it took in the Warren Spahn case: as to a public figure, no right of privacy exists in connection with material put forward as biographical or factual, but that a right of privacy exists if the public figure is treated in a work of fiction. She stated that no privacy case she was aware of had taken this precise position. It was assumed by the members of the Committee that the Board, in deciding not to enter the Warren Spahn case, did not disagree with the Committee's position, but merely indicated doubt as to whether the Warren Spahn case was the proper vehicle for urging it.

The Committee discussed in some detail the practice of many authors of using as background characters in a work of fiction famous personages identified by their real names. For example, FDR was used in Upton Sinclair's works, and the then Senator John F. Kennedy figures in one of Norman Mailer's books. Frequently a conversation with one of these public figures is set out. Mrs. Pilpel stated that the law is quite clear that no right to privacy exists for a public figure used as a mere background character.

After some further discussion, the Committee was able to isolate two specific areas for initial agreement: (1) A right of privacy exists to protect an individual, famous or not, against the use of

his name or image in an advertisement endorsing a product without his consent. The Committee felt that significant no free speech problem is involved in the merely commercial use of one's picture or name to sell a product without one's consent. (2) The Committee felt that, going beyond mere use of a name or image in advertising to the treating of a public figure at length in a book, play, story, etc., the latter involves a right of privacy only if the public figure is discussed in a fictional manner. The Committee, however, went on to agree that a public figure could be treated at length in a work of fiction, provided his name were not used and the method of treating him or an incident of his life were not such as to make him easily identifiable. The Committee further felt that in order to safeguard free speech and to avoid discouraging the writing of biographies, the ACLU position on this point should be interpreted so as not to subject works intended as biographies or factual treatment to a right of privacy action merely because they contain substantial factual inaccuracies. (This is the mistake the Committee felt the lower court made in the Spahn case.) In every case the question should be whether the work is intended as fiction, and if so, whether it treats at length a specific and identifiable public figure. The Committee confined its discussion to <u>living</u> public figures: that is, the Committee did not take the position that a privacy action exists on behalf of the estate of a deceased public figure about whom a fictional work is published after his death. If this were the rule, it might limit substantially the writing of so-called "historical novels."

Mr. Lowenstein summed up Committee discussion of public figures as follows:

> If a public figure is discussed in a factual work, no right of privacy imposes restrictions on what may be said;
>
> If he is named or specifically identified in a work of fiction, he may be used only as a background or incidental character;
>
> If he is not specifically identified in a fictional work, there is no right of privacy restriction on what may be said.

The Committee then turned to the question of what kind of information, if any, should not be publishable under a right of privacy as to first, public figures, and second, private individuals. The Committee agreed that in the interest of encouraging free speech on important issues, there could not be any restriction imposed by a right of privacy on the disclosure of information about a public figure. Even though in many instances information about the family

life or personal eccentricities of public figures is irrelevant to meaningful discussion of an issue or of their merits in their public capacity, the Committee could not say, for example, that the information that an election official drank too much, had peculiar sexual proclivities, or had insanity in his family might not be relevant to judgments about his effectiveness, dependability, etc. Because the Committee felt it was extremely difficult if not impossible to draw a meaningful distinction between that information which the public had a right to know about a public figure and that information which might be kept from public view under a right to privacy doctrine, the Committee concluded that there could be no right of privacy restraint imposed. The Committee recognized, however, that as to public figures, the law of libel imposed some restraint on the malicious disclosure of untruthful information.

The Committee did not grapple with the question of who should be subsumed under the category "public figure." There was some discussion of considering this question at a meeting to be held subsequent to the Plenary Board's discussion of libel on April 4, 1965, which will involve an attempt by the Board to make a similar distinction for purposes of an ACLU policy on defamation. No conclusion on this point was reached.

The Committee considered extensively the question of whether a right of privacy could be supported for a person who is unquestionably not a public figure. Mrs. Pilpel stated the view that Alan Schwartz would have expressed had he been able to attend: That as to clearly private matters in the life of an ordinary citizen, there is no value in permitting unlimited publicity which is sufficient to counterbalance the real damage which can and does result to the lives of such persons from the disclosure of humiliating or intimate personal details. Mr. Soll reminded Committee members that his memorandum fully agreed with this hypothesis, but that he had reached the conclusion that, desirable as it would be to protect the private life of a private individual, no rule could be framed to accomplish this which would not at the same time have a deadening effect on legitimate publication of other matters. For example, in order to frame such a right, courts would have to decide first who is a public figure and who is a private citizen, and then weigh what is public information and what is private information. The probability that in applying such a rule courts would inevitably make mistakes by awarding right of privacy damages for the disclosure of information in which there is a legitimate public interest, conclusively demonstrates in his mind the danger of attempting to limit the disclosure of private public information about non-public figures. After some discussion during which Mr. Bucholz urged the Committee to adopt a rule that a right of privacy be upheld at least in clear cases of private information and non-public figures, the Committee agree on Mr. Soll's

position. Part of the rationale which moved other Committee members to accept this position was the conclusion that the cases in which publicity might be given to the private affairs of a non-public figure are very few indeed, and that most cases involve persons who are at least debatably public figures and as to whom information publicized is at least debatably of public concern.

Mr. Soll stated he would redraft his position paper in the light of Committee discussion. The Committee agreed to review the draft at a subsequent meeting, at which it would attempt to thrash out unresolved issues, such as whether institution have a right or privacy or something analogous to it.

AMERICAN CIVIL LIBERTIES UNION

156 FIFTH AVENUE

NEW YORK, NEW YORK 10010

POLICY STATEMENT OF THE AMERICAN CIVIL LIBERTIES UNION ON THE FAIRNESS DOCTRINE OF THE FEDERAL COMMUNICATIONS COMMISSION --

ADOPTED BY THE ACLU BOARD OF DIRECTORS ON NOVEMBER 23, 1964

"The American Civil Liberties Union's interest in radio and television derives from the First Amendment's guarantee of freedom of expression, a guarantee designed to assure citizens a diversity of information and opinion. The premise is that in a marketplace of conflicting ideas, the American public will be exposed to the broadest circulation of contrasting viewpoints which alone makes possible the ultimate exercise of freedom of speech and the press.

"This belief has guided the ACLU's support of measures adopted by the Federal Communications Commission to enlarge diversity of that most important medium of communications, radio and television. Because of the limited number of channels which technically can be developed in the radio and TV spectrum, government regulation is necessary to avoid chaos. Government regulation always carries with it the possibility of censorship, and the ACLU is especially sensitive to this danger. However, each FCC step toward actually increasing diversity -- without interfering with program content -- deserves the backing of civil libertarians eager to have the First Amendment guarantees utilized for the resolution of public issues.

"It is in this spirit that the ACLU endorses in principle the FCC's 'fairness doctrine.' In essence the doctrine says that if broadcasters are to operate their publicly-granted licenses in the 'public interest, convenience and necessity,' they must present different sides of important public issues. Recently the FCC has set forth certain standards to assure that different points of view would be expressed, and the Union fully supports these standards. They provide that: 1) where a licensee permits the use of its facilities for a personal attack upon an individual or organization, the licensee is required to give the person or group attacked time for an adequate response; 2) where a licensee permits the use of its facilities for any person other than a candidate for political office to take a partisan position on the issues involved in an election or to attack one candidate or support another, the station must give each candidate concerned a 'comparable' opportunity to answer. And finally; 3) where a licensee permits the use of its facilities for the presentation of views regarding issues of current importance, there must be similar opportunity for the expression of contrasting views accorded to other responsible groups within the community. (With regard to this third standard, the FCC goes out of its way to emphasize its applicability to the presentation of views regarding racial segregation, integration or discrimination.)

"In its various statements about the 'fairness doctrine,' the FCC has made clear that these standards will be applied on a basis of reasonableness and with a view to the facts of each particular situation. In addition much weight is to be given to the good faith judgments exercised by the licensee in each case. The Union agrees that in order to operate most effectively, the 'fairness doctrine' must and should

be applied in this reasonable manner.

"In some of its statements on the 'fairness doctrine', notably its July 26, 1963 statement, the FCC has specified certain procedural requirements which would necessitate, in certain circumstances, the submission of broadcast transcripts by licensees to persons or groups attacked. Although the Union strongly supports the principle of the 'fairness doctrine,' it does not at this time take any position on these procedural requirements. Indeed, it has strong reservations about their advisability and practicality. We suggest that the Commission re-evaluate them in the light of their own experience and the practicalities of the broadcasting industry, especially in the context of this last election campaign.

"With regard to the 'fairness doctrine' itself, the ACLU is not unmindful that when government action even approaches the area of content, dangers arise which may limit freedom of expression on the air. Particularly there is the danger that to avoid involvement with a government agency over interpretation of what is a controversial program, or where a dramatic or other non-discussion format presents an issue, the station management will simply remove the controversy from its programming. The fear is the station will play safe, thus depriving the public of needed exposure to controversy. Such a fear of government involvement with programming on the part of the broadcaster is understandable. But the broadcaster does have a responsibility as a public licensee and a challenging opportunity to acquaint his audience with a variety of points of view -- especially when individuals and organizations are under specific attack and thus the particular controversy is very sharp.

"Government regulation not based on reasonableness or which does not consider whether the licensee acts in good faith, must be opposed, and the Union will act to oppose such regulation if and when it occurs.

"Not all problems have been solved in interpreting the 'fairness doctrine,' nor can they be until particular cases arise. For example where one side of a controversial issue is involved in a program other points of view might be presented in another format. The basic criteria is whether the public is exposed not to one but to a diversity of opinions. The way of doing this, consistent with the principle of fairness and reasonableness, should remain with the station. As the FCC stated in its July 1, 1964 'The History of the Fairness Doctrine':

> In determining in an individual case whether or not a licensee has complied with the fairness doctrine, the Commission looks solely to whether, in the circumstances presented, the licensee acted reasonably and in good faith to present a fair cross-section of opinion on the controversial issue presented. In making such a determination, an honest mistake or error in judgment will not be condemned, so long as the licensee demonstrates a reasonable and honest effort to provide a balanced presentation of the controversial issue. The question of whether the licensee generally is operating in the public interest is determined at the time of renewal on an overall basis.

"The successful working of democracy, indeed the exercise of freedom itself, is not always easy or simple. Effort is required, and broadcasters have the responsibility to make this effort, if their industry is to remain true to the democratic ideal that not one viewpoint, but many, are essential if the public is to know and understand the issues it alone must decide."

AMERICAN CIVIL LIBERTIES UNION
156 FIFTH AVENUE
NEW YORK, NEW YORK 10010

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March 26, 1965

file

To: The Board

From: The Office

Re: Further Information on Libel -- for April 3-4 meeting

From January 29, 1965 letter of Louis Lowenstein, member of national Free Speech Committee:

"Enclosed you will find a summary of a recent case involving Drew Pearson in which the court extended the doctrine of the New York Times case to encompass figures in public life in addition to public officials. This decsion, as well as the several others which have come down in recent months which relied on the Times case, enforce my view that the majority opinion of the Times case is a viable and practical solution to the libel problems discussed by the Free Speech Committee which were the subject of the recent, but conflicting reports.

"It is significant, I think, that there have been no cases decided, since t he New York Times case, which could be said to have required invoking the more extreme view taken by the three concurring judges in the New York Times case. In short, the view taken by the majority which has been attacked as unworkable, seems to work very well.

"While I refer to the majority and concurring views in the New York Times case, they are, of course, reflected in the two different views taken by the separate reports of the Free Speech Committee."

NEWSPAPERS AND MAGAZINES

Privilege --

Alaskan newspapers' defamation of widely syndicated columnist in connection with political campaign in which they were editorially supporting rival candidates is protected by same conditional privilege that attaches to criticism of public officials.

This suit results from an editorial referring to the columnist as a "Garbage Man o of the Fourth Estate.

This court is "strongly attracted" to New York Times v. Sullivan, 376 U.S. 254, 32 LW 4184, which contains an amazing collection of authoritative statements concerning libel and the freedom of the press on matters of public concern. While the historical references in the New York Times case applied primarily to public officials, this category has been extended to candidates for public office and this courts finds no reasonable basis to exempt those who presume to speak for such candidates, particularly those public figures of international stature. Restated with the facts at bar, the columnist, a public figure and internationally known newspaper and radio columnist of no mean proportion, should occupy the same standing in the law of libel as the senatorial condidate whose cause he was publicly supporting. There can be little question that the candidate could have been so assailed with impunity - Hepp,J.

Alaska SuperCt 4thJudDist; Pearson v. Fairbanks Publishing Co. 11/25/64.

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

March 26, 1965

To: The Board

From: The Office

Re: ACLU of Washington's discussions of libel--for April 3-4 meeting

From 3/16 letter of David H. Guren, executive director of ACLU of Washington:

"Sorry, but I am unable to give you much concrete help on the libel question because of the deep divisions in opinion on the Board and because of the time element.

"The Board first considered the question February 4th but because of the lateness of the hour and interest in the issue set a special meeting to consider it in depth.

"That meeting occured on February 18th. The substantive discussion is very poorly reflected in the minutes of that meeting.

"William Dwyer, the Goldmark's attorney discussed the case and the status of the law after the Sullivan decision. There was strong sentiment that the decision would give aid and comfort to the right wing and would unleash smear campaigns of redoubled intensity.

"The discussion centered upon the right of the public to open debate and opinion in a political campaign as opposed to the right of the individual candidate to security of reputation. it was also felt that the Sullivan decision would have a reverse effect from the desired one of promoting public discussion since it might inhibit free discussion on the part of incumbent candidates and timidity in taking controversial stands.

"There was also a feeling that the intervention of the state in prescribing the limits of civil libel might be a dangerous intervention in a field of legal conflict between private citizens.

"Len Schroeter is preparing a position paper on these lines, and David Vernon of the Law School is doing one following the line of the majority decision. No one feels much affinity to the Black-Douglas position.

"We will consider taking a final position on the matter at our annual meeting, April 24th."

AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

March 26, 1965

To: The Board

From: The Office

Re: Proposed Amendment to Church-State Committee Recommendation on Shared Time -- for April 3-4 meeting

From 3/23/65 letter of Franklyn S. Haiman, chairman, Illinois Division

.../On the shared time issue, I sensed that with only a bit of tinkering with the National Church-State Committee's proposal, it may be possible to muster a fairly substantial majority....I have a proposed amendment, based on what I've read in these documents, which might be helpful....It would add a Paragraph 9 to the Church-State Committee proposal as follows:

9. Finally, the Union would caution that, in embarking upon a shared-time program, a public school system undertakes administrative burdens whose fulfillment may, as a practical matter, quite easily lead to violations of the standards set forth in Paragraphs 3 to 6 above. It would require the utmost day-to-day sensitivity to constitutional principles not to exceed those boundaries. Therefore, as a matter of policy, it may well be decided that the undertaking is not worth the risks involved. If, however, the decision to attempt it is made, the program should be started on an experimental basis only, with adequate provision for review and evaluation as well as for standing of taxpayers to test its constitutionality, if necessary, in the courts.

American Civil Liberties Union
156 Fifth Avenue
New York, New York 10010

file

Minutes

Equality Committee

Thursday, April 1, 1965

Present: Judge Kenyon, chairman, presiding; Messrs. Black, Kunstler, Levenson, Rutledge, Vladeck

From the Office: Mr. Reitman, Mrs. Katz

State Laws Precluding New Residents from Voting in Federal Elections:

Mr. Reitman reported that last fall the Union had challenged unsuccessfully Maryland's requirement that a person reside in the state for one year before he could vote in Presidential elections. A suit on behalf of Mr. and Mrs. Frederick G. Drueding, who last June moved to Prince Georges County from Pennsylvania, was rejected by a three-judge Federal District Court. The Court held that the residence requirement did not amount to an irrational or unreasonable discrimination against prospective voters. The United States Supreme Court on March 1, without a written opinion, affirmed the ruling.

Although the Maryland Constitution makes no distinction between voting in local elections and participation in Presidential elections, the Drueding's suit was based only on the latter.

The Committee first agreed that a civil liberties issue was involved because of the question of the right to vote; discussion then centered on the ACLU brief's distinction between appropriate qualifications for national and local elections. It was agreed that state and local elections were no less important than national elections and that there was no reason to assume that knowledge of local issues increased from the time of first moving into an area. (It was pointed out that some persons familiarize themselves with local issues before moving into an area and may know less at a later date.) The Committee adopted a motion recommending that the Union interest itself in the disfranchisement of voters by reason of residence requirements; the same rule should be applicable for federal, state and local elections and should be only for the purpose of avoiding fraud.

[Office note: On April 19, the Board discussed the Committee's recommendation. Its minutes report as follows: "Mr. Fraenkel commented that the Board did not have sufficient facts on which to take a position, and urged that such information as residence requirements for voting in all of the fifty states and the number of people affected is needed. Judge Kenyon noted the findings in the ACLU brief in the Maryland case that between three and four million Americans are deprived from voting in Presidential elections due to residence requirements. Mr. Hacker supported Judge Kenyon's position that this is a matter of genuine civil liberties concern, emphasizing the increasing mobility of the American population. A motion was approved that the

(over)

issue is important and that the Equality Committee should gather further information and report back to the Board."]

Race Labelling by the Press: Mr. Reitman reported that the ACLU had never opposed the newspaper practice of labelling persons by race in contexts which were irrelevant (mainly crime stories) apparently because of the fear that opposition would be regarded as interference with freedom of the press. The question came up recently when the ACLU of Michigan called attention to an AP story which identified a state legislator unmasked as having a previous criminal record as a Negro. Contact by the office with the AP in New York disclosed the AP policy of using racial identification where "relevant," with such a decision being made locally. The Committee agreed that use of a racial tag in such circumstances was not relevant, and agreed also that it would be in news stories where race has some integral significance for the story, such as promotion of Negroes in industry. The Committee further agreed that the practice of irrelevant labelling seemed to have increased in recent years, that it adversely affected the "public image" of the Negro, exacerbated racial tension and, often, could offend the due process rights of an individual involved in a criminal proceeding. A motion was adopted recommending that newspapers be urged against the practice of racial identification unless it were truly relevant.

Further Action to Challenge Discrimination in Housing: The Committee had before it a Memorandum on Referenda and the Democratic Process, by Charles Fraenkel. Judge Kenyon reviewed the ACLU's previously adopted policy positions on housing discrimination, and Mr. Rutledge reported on a Berkeley, California conference on Proposition 14 and a memorandum by Sol Rabkin prepared for that conference on the use of referenda. That memorandum recommends that the circumstances under which referenda can be held be made more stringent -- e.g., raised percentage requirements for signatures, prohibition against payments for collecting signatures. Judge Kenyon expressed the opinion that the result of a referendum which deprived a state of the right to carry out a guarantee of the Constitution should be attacked legally, but questioned whether referenda as such should be opposed. It was agreed that the Rabkin memorandum would be circulated to the Committee for study and the matter would be reviewed by the Committee again.

Discrimination in Private Organizations: Mr. Reitman reported that the ACLU has always focussed on discrimination in public, governmental areas, or, in the private housing field, for example, in areas heavily invested with the public interest. But as anti-discrimination work goes on, much interest is shown in discrimination by private organizations and in whether the Union should work in this area. No agreement was reached on this subject, although a number of opinions were expressed. Among them were the view that the Union should oppose discrimination in private organizations only where there is a demonstrable economic interest involved; that other organizations might properly press any private organization to abandon discriminatory practices but the Union's objective is limited to protection of civil rights and civil liberties, not always affected by private discrimination; that discrimination by a private organization should be fought when, by its name, it holds itself to represent the community or when it is monopolistic. It was agreed that a subcommittee composed of Messrs. Black, Carter and Vladeck should attempt to formulate a recommended position on this issue.

file → AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue
New York 10, N.Y.

WB
MJ-file

April 1, 1965

LEGAL DOCKET - NATIONAL OFFICE

SUPREME COURT OF THE UNITED STATES

ACLU Supported Cases:

1. Holt and Dawley v. Virginia. Oct. Term, 1964, No. 464.

Petitioners are Negro attorneys active in civil rights litigation. In a matter growing out of one aspect of that practice, an order was issued against Dawley to show cause why he should not be held in contempt of the Circuit Court of the City of Hopewell, Virginia, for refusing to answer questions which related to the lawyer-client privilege. On the day the motion was returnable, Holt, as Dawley's attorney, filed a motion to disqualify the judge. When that motion was denied, Holt filed a motion for change of venue. Both motions alleged "that the court is now in effect and/or in fact acting as police officer, chief prosecution witness, adverse witness for defense, grand jury, chief prosecutor and judge." The judge had Holt read the motion aloud in court, summarily found Holt and Dawley to be in contempt, and fined them each $50.

Our brief argues three points: 1) Petitioners' legitimate motion for change of venue cannot, consistent with the guarantees of the due process clause, amount to contempt of court on the part of either the attorney who made it or the litigant on whose behalf it was made; 2) Petitioners' summary contempt conviction deprived them of the fair hearing required by due process of law because the constitutional requirements of a fair hearing in a contempt proceeding were not met and because it was not decided by a disinterested judge; 3) The conviction of petitioners, who habitually represent civil rights clients in Virginia, was one more episode in a long history of harassment by state officials who oppose and hope to inhibit petitioners' activities.

Marvin M. Karpatkin and Melvin L. Wulf, New York City, for petitioners. To be argued May 1965.

2. Harper v. Virginia State Board of Elections. Oct. Term, 1964, No. 835.

A prerequisite for voting in state and local elections in Virginia is payment of an annual poll tax of $1.50 a year plus a 5% penalty for late payment. In order to vote in a given election, poll taxes for the past three years must be paid. In this suit, the poll tax provision is challenged on the ground that it discriminates against the plaintiffs, who are paupers and without economic means to pay the taxes, in violation of the equal protection clause of the Fourteenth Amendment. The precise question presented is:

Whether provisions of Virginia law which require the payment of poll taxes as a prerequisite to voting in state and local elections violate the Fourteenth Amendment by denying the franchise to paupers and indigents and other persons who are without economic means to pay the taxes but who are otherwise qualified to vote.

Also challenged is the constitutionality of Section 23 of the Virginia Constitution which explicitly prohibits "paupers" from registering and voting. Lawrence Speiser, Allison W. Brown, Jr., R. M. Lechner, and Philip Schwartz, for appellants. To be argued next term.

Amicus Curiae Briefs:

3. Dombrowski, et al. v. Pfister, et al. Oct. Term, 1964, No. 52.

At issue in this case are the Louisiana "Subversive Activities and Communist Control Law" and the Louisiana "Communist Propaganda Control Law". Generally, the statutes require the registration of Communists of members of Communist-front organizations. They prohibit a variety of activities including the appearance of any Communist on the ballot, the advocacy of forceful overthrow of the government, and the distribution or storage of "Communist propaganda".

The appellants, all active in the civil rights movement, were indicted for failing to register variously as members of the Southern Conference Educational Fund and the National Lawyers Guild, described by Louisiana as Communist-front organizations.

Our brief argues that the whole scheme of legislation is unconstitutional on its face, that the doctrine of equitable abstention be held inapplicable in civil rights cases, that the power of federal district courts to enjoin deprivations of federal rights be re-emphasized, that the Court clarify the conflicting holdings in Pennsylvania v. Nelson and Uphaus v. Wiman relating to preemption in the area of state-federal jurisdiction over "subversion". Louis Lusky and Melvin L. Wulf, New York City, and Leonard Dreyfus, New Orleans, for the ACLU and Louisiana CLU.

4. Veterans of the Abraham Lincoln Brigade and the American Committee for the Protection of the Foreign Born v. Subversive Activities Control Board. Oct. Term, 1964, Nos. 65 and 44.

The organizational petitioners were found to be Communist-front organizations by the Subversive Activities Control Board under the provisions of the Subversive Activities Control Act of 1950 (50 U.S.C. §781 et seq.). Our brief puts forward three arguments: 1) The requirement of the Subversive Activities Control Act that Communist-front organizations register, violates the First Amendment on its face, and as applied to petitioners. The decision of the Supreme Court in Communist Party v. Subversive Activities Control Board, 367 U.S. 1 (1961) is narrowly drawn to hold constitutional only the provisions respecting Communist-action organizations, as applied to the Communist Party of the United States. The holding of constitutionality was based expressly on findings that the Communist Party was directly and deeply involved with what Congress found to be a foreign revolutionary threat against the existence of the United States government. Since no relationship has been demonstrated with respect to alleged Communist-front organizations, the First Amendment commands a holding of unconstitutionality; 2) The Subversive Activities Control Act violates the First Amendment because it is not narrowly drawn to meet the alleged dangers, offends the clear

and present danger test, and runs afoul of DeJonge v. Oregon; 3) Sections 3(4) and 13(f) of the Subversive Activities Control Act, are so vague and uncertain, that they violale the due process clause of the Fifth Amendment to the Constitution. Section 3(4) defines a "Communist-front" organization. Section 13(f) sets forth the criteria by which the Subversive Activities Control Board shall determine whether any organization is a Communist-front organization. Marvin M. Karpatkin and Melvin L. Wulf, New York City, for ACLU.

5. Zemel v. Rusk. Oct. Term, 1964, No. 86.

Relying upon two statutes [22 U.S.C. §211(a) and 8 U.S.C. §1185], the United States has prohibited travel of American citizens to Cuba except by special permission of the Secretary of State. The brief challenges this prohibition on the ground that the statutes do not in fact authorize the Secretary to bar travel to Cuba, that the President has not exercised and does not possess independent constitutional authority to ban travel to Cuba, and that the ban violates both the First and Fifth Amendments to the United States Constitution. Edward J. Ennis and Melvin L. Wulf, New York City, for the ACLU.

6. Ralph Ginzburg, et al. v. United States. Oct. Term, 1964, No.807.

The petitioner was convicted under the federal obscenity statute [18 U.S.C. §1461] of using the mails to distribute the magazine "Eros," "The Housewife's Handbook of Selective Promiscuity," and a newsletter entitled "Liaison". He was sentenced to five years' imprisonment and fined $28,000.

Our brief urges the Court to grant certiorari for three reasons: so that in this case, "as in all others involving rights derived from the First Amendment guarantees of free expression, this Court can make an independent constitutional judgment on the facts of the case as to whether the material involved is constitutionally protected"; to enable the Court to reconsider the Roth doctrine as a whole; and to "allow reconsideration of the question whether Roth did not depart from the constitutional standard best designed to give the widest latitude to the precepts of a free society without endangering competing social interests. We refer to the clear and present danger test." Melvin L. Wulf, New York City, and Murray Powlen, Philadelphia, Pa., for ACLU and Pennsylvania C.L.U.

7. Billy Sol Estes v. Texas. Oct. Term, 1964, No. 256.

Portions of petitioner's state trial for swindling were televised live. The Supreme Court granted certiorari limited to the question of the constitutionality of televsion coverage of the trial.

Our brief argues that television coverage of petitioner's trial deprived him of a fair hearing for the following reasons: the presence of television in the courtroom created an atmosphere that made it impossible to conduct a fair trial; the jury could not render a verdict based solely on the evidence introduced at the trial; television coverage of the trial denied petitioner the right to effective counsel; and television coverage is unfair because it precludes the possibility of a meaningful new trial. The brief also argues that the exclusion of television from the courtroom does not conflict with other

constitutionally protected interests including freedom of the press. Norman Dorsen and Melvin L. Wulf, New York City, and Sam Houston Clinton, Jr., Austin, Texas, for the ACLU and the Texas C.L.U.

8. United States v. Archie Brown. Oct. Term, 1964, No. 399.

Respondent, a member of the Communist Party, was convicted of violating 29 U.S.C. §504 which prohibits a member of the Communist Party from serving "as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, or other employee (other than as an employee performing exclusively clerical or custodial duties) of any labor organization...." The respondent served as a member of the executive board of Local 10 of the International Longshoremen's and Warehousemen's Union. Certiorari was granted to review the decision of the United States Court of Appeals for the Ninth Circuit which held the statute unconstitutional.

We argue two points: that the statute's legislative purpose, to prevent instigation of political strikes by members of the Communist Party (a doctrine which received judicial support in American Communications Association v. Doud, 339 U.S. 382, establishes an irrebuttable presumption that every member of the Communist Party involved in trade union activity intends to instigate such strikes; and that the statute is a bill of attainder because Congress had made it indisputable that each and every member of the Communist Party will disloyally advocate political strikes, a finding that is equivalent to a legislative determination of guilt without trial. Marshall W. Krause, Laurent B. Frantz, San Francisco, California, Melvin L. Wulf, New York City, for ACLU and Northern Calif. C.L.U.

9. Griswold and Buxton v. Connecticut. Oct. Term, 1964, No. 496.

Section 53-2 of the General Statutes of Connecticut provides: "Any person who uses any drug, medical article or instrument for the purpose of preventing conception shall be fined not less than fifty dollars or imprisoned not less than sixty days nor more than one year or both fined and imprisoned."

Buxton, a physician, and Griswold, Executive Director of the Planned Parenthood League of Connecticut, were tried and convicted of aiding and abetting the violation of Section 53-2.

Our brief argues that the statute on its face violates the right of privacy guaranteed by the due process clause of the Fourteenth Amendment, and that it violates due process because it bears no reasonable relation to a proper legislative purpose. Rhoda H. Karpatkin, Melvin L. Wulf, New York City, Jerome E. Caplan, Hartford, Connecticut, for the ACLU and Connecticut C.L.U.

10. Swain v. Alabama. Oct. Term, 1964, No. 64. Decided March 1,1964.

The Supreme Court held in this case that the petitioner had not established systematic exclusion of Negroes from the juries in Talladega County, Alabama, even though it was shown that 50% of the eligible Negroes in the county were not called for jury service and that no Negro had actually served on a petit jury in the county at least since 1950. This amicus

brief is in support of the petitioner's petition for a rehearing. Osmond K. Fraenkel, Edward J. Ennis, and Melvin L. Wulf, New York City, for ACLU.

UNITED STATES COURTS OF APPEALS

ACLU Supported Cases:

11. Johnson v. United States. Fifth Circuit, No. 21653.
The appellant pled guilty to bank robbery in the United States District Court for the Northern District of Mississippi and was sentenced to 15 years' imprisonment. Subsequently, in a related trial, he was summarily sentenced to three years' imprisonment for contempt for refusing to answer questions while on the stand.
The brief raises several issues: whether a post-conviction mental examination ordered by the court was improperly limited; whether the appellant had intelligently waived counsel and competently pleaded guilty to the charge of bank robbery; whether the appellant received adequate explanation of his right to counsel and arraignment; whether the court, in the contempt proceeding, should have proceeded upon notice and hearing rather than summarily. Leslie H. Levinson and Melvin L. Wulf, New York City, for appellant.

12. LaBat v. Bennett. Fifth Circuit, No. 22,218.
This case raises the question of systematic exclusion of Negroes from the juries in Orleans Parish (New Orleans) Louisiana. The appellant was convicted in 1953 of rape and sentenced to death.
Orleans Parish contains 181,775 Negro residents. Nonetheless, no Negro has ever served on a petit jury empanelled to try a Negro defendant; only one Negro has ever been selected to serve on a petit jury empanelled to try any defendant; and no Negroes served on the petit jury which tried the petitioner. Benjamin E. Smith, New Orleans, La., for appellant.

13. Billingsley v. Clayton. Fifth Circuit, No._____.
This is an appeal from a suit by a Negro plaintiff who sought an injunction to restrain the Jury Commissioner of Josephson County, Alabama, from discriminating against Negroes in the selection of jurors. Charles M. Morgan, Jr., Atlanta, Ga., and Jack Greenberg, New York City, for appellant.

Amicus Curiae:

14. Rabinowitz v. United States. Fifth Circuit, No. 21,256.
The appellant, a worker for the Student Nonviolent Coordinating Committee in Albany, Georgia, was convicted of perjury before a federal grand jury which was investigating a violation of 18 U.S.C. §1503 which prohibits the obstruction of justice. The alleged obstruction was picketing by civil rights workers of a store owner who had sat as a juror in an unsuccessful civil rights damage suit.
The brief argues that the indictment and conviction are void because Negroes were systematically excluded from

the grand and petit juries. 34.55% of the voting age population within the district are Negroes but only 5.8% of the names in the jury box were Negroes.

The brief also argues that the appellant was deprived of her constitutional right to be tried by a judge alone. Rule 23(a) of the Federal Rules of Criminal Procedure requires the consent of both the court and the government to a waiver of a jury trial. This issue was disposed of 9-0 against us by the United States Supreme Court in Singer v. United States on March 1, 1965. Maurice Ford and Melvin L. Wulf, New York City, and Hugh Gibert, Atlanta, Ga., for the ACLU and Georgia C.L.U.

15. United States v. Hoffa. Sixth Circuit, No. 15,876.

This case arises out of the Chattanooga prosecution of James Hoffa for jury tampering. The principal witness against Hoffa was Edward Partin. Partin, a trusted associate of Hoffa, was actually a government agent. In that dual capacity, he sat in on conferences with Hoffa's lawyers during discussion of the trial out of which the jury tampering charge arose.

Our brief argues that Partin's participation as a government agent interfered with Hoffa's right to counsel and that his testimony ought to have been excluded as illegally obtained. Osmond K. Fraenkel and Melvin L. Wulf, New York City, for the ACLU.

16. Keyishian, et al. v. Board of Regents of the University of the State of New York, et al. Second Circuit, No. 29,287.

Section 3021 of the New York Education Law provides for "removal of superintendents, teachers and employees for treasonable or seditious acts or utterances...." Section 3022 of the New York Education Law provides for "elimination of subversive persons from the public school system...." Suit was filed in the United States District Court for the Western District of New York to convene a three-judge court to declare the statutes unconstitutional. The complaint was dismissed. Our brief argues that the statutes impose conditions upon public employment which restrict First Amendment freedoms; that they proscribe a substantial area of constitutionally-protected speech on the part of all publicly minded university teachers and scholars, both within and without the classroom; that the statutes are unconstitutional taken as a whole because their effect is substantially to restrict First Amendment freedoms without substantially enhancing any legitimate state interest which could not be as well served by means less restrictive of such freedoms. The brief also argues that the foregoing issues were not resolved by Adler v. Board of Education, 342 U.S. 485 (1952). James L. Magavern, Buffalo, N.Y., Herman I. Orentlicher and Kitty Blair Frank, Washington, D.C., Bernard E. Harvith and Melvin L. Wulf, New York City, for the ACLU and American Association of University Professors.

UNITED STATES DISTRICT COURTS

ACLU Supported Cases:

17. McBride v. Roland. Southern District of New York, No. 64 Civ. 1510.

Plaintiff, a merchant seaman, was denied security clearance by the Coast Guard. The basis for the denial was the plaintiff's membership in the Communist Party from 1936 until 1957, his attendance at the Jefferson School in the late 1930's, his signing a Communist Party nominating petition in 1939, attendance on two or three occasions more than ten years' ago at a summer camp "attended by sympathizers of the Communist Party," and his membership in the International Workers Order from 1941 until 1954. There was no evidence introduced at the hearing to show that the plaintiff ever committed, or intended to commit, any illegal acts.

The suit has been filed to compel the Commandant of the Coast Guard to issue plaintiff a validated ;merchant marine certificate. Melvin L. Wulf, Seymour Bucholz, New York City, for plaintiff.

18. Gordon v. Breazeale. Northern District of Mississippi, No. GC 645

Petitioner was convicted of rape in the Circuit Court of Lowndes County, Mississippi, in June 1962 and sentenced to death. He had been tried first for the same crime in December 1961, but the conviction was reversed by the Mississippi Supreme Court because of systematic exclusion of Negroes from jury service. The evidence showed without dispute that no Negro had ever been called for jury service in Lowndes County since the year 1900 at least. The jury exclusion issue was not raised at the second trial.

The questions raised on this federal habeas corpus petition include the denial of counsel immediately upon arrest, the extraction of two involuntary confessions during the time petitioner was denied counsel, illegal arrest and continued systematic exclusion of Negroes from jury service. R. Jess Brown, Jackson, Mississippi, Martin Bradley, Buffalo, N.Y., Melvin L. Wulf, New York City, for petitioner.

19. Ritter v. Matthews. Northern District of Texas (Dallas Division) Civil No. 9238.

Plaintiff was employed on the faculty of North Texas State University. His contract of employment was not renewed because of his activities of meeting and advising other individuals for the purpose of advancing integration of the races in stores and theaters in the area where the University was located. The suit seeks his reinstatement. Albert Levy, Herbert Landau, Marvin Menaker, and George Schatzki, Dallas, Texas, for plaintiff.

20. Smith v. Breazeale. Northern District of Mississippi, No. GC 6440.

Petitioner was convicted of rape in the Circuit Court of Madison County, Mississippi, in September 1961 and sentenced to death.

The principal issue in this habeas corpus petition is the systematic exclusion of Negroes from the grand and petit

juries in Madison County. The white population in the county is 9,300; the Negro population is 23,700. During the past 15 years, less than a dozen Negroes have been included upon the lists from which jurors are selected.

Other questions raised in the petition include denial of counsel immediately upon arrest, denial of counsel at preliminaryhearing, denial of the effective assistance of counsel at trial, introduction into evidence of a coerced confession, and illegal search and seizure.

The evidence relating to the ineffective assistance of counsel shows without dispute that the petitioner's court-appointed white attorney spent no more than 1 1/2 hours in preparation for the trial from the time of his appointment to the day of the trial, a period of four days. In addition, he refused to speak to the petitioner's wife who had evidence material to the defense. R. Jess Brown, Jackson, Mississippi, Benjamin E. Smith, New Orleans, La., Melvin L. Wulf, New York City, for petitioner.

21. Schwartz, et al. v. Underwood. Southern District of Ohio, No. 6611.

This suit raises the question of the constitutionality of rules adopted by the trustees of the Ohio State University restricting the right of speakers to appear on the University campus. The rules provide, among other things, that:

"Those who are subversive or those who are allied to them in purpose or action or those whose views do not contribute in some way to the University's educational program are not acceptable as guest speakers."

One of the plaintiffs is Frank Wilkinson, Executive Director of the National Committee to Abolish the House Un-American Activities Committee. He was invited to speak on the campus by a recognized campus organization, but the University President demanded that Wilkinson submit a non-Communist affidavit, that the organization show why there was no other qualified person who could be invited to speak on the work of the House Un-American Activities Committee, that the student organization which was sponsoring the meeting show it was acting in good faith, and assurances that an invitation to Wilkinson would serve the best interest of the University. The demands were not met and Wilkinson was denied permission to speak. This suit was then filed. Jack Day, Cleveland, Ohio, for plaintiffs.

22. Cheung v. Ailes. U.S. District Court for the District of Columbia, Civil Action No. 2782-64.

One year, 11 months, and 21 days after plaintiff enlisted in the Army for a two-year period, it was discovered that he had failed to disclose that he was not a citizen of the United States at the time of enlistment. He was discharged and issued a "General Discharge". After exhausting his administrative remedies, plaintiff filed this suit against the Secretary of the Army to procure an "Honorable Discharge".

On motion for summary judgment, it is argued that Harmon v. Brucker, 355 U.S. 579 (1958) forbids the armed forces from issuing less than Honorable Discharges on any basis other than the character of the soldier's military service. The defendant has admitted that the plaintiff was

discharged only because he concealed the fact that he was not a citizen of the United States at the time of his enlistment. Mark A. Weiss and Lawrence A. Speiser, Washington, D.C., for plaintiff.

23. Sims v. Frink. Middle District of Alabama, No. 1744-N.
This is the next stage of the Alabama reapportionment case decided by the U.S. Supreme Court last term, sub nom Reynolds v. Sims, 377 U.S. 533. Charles Morgan, Jr., Atlanta, Ga., for plaintiffs.

24. Bailey, et al. v. Wharton, et al. U.S. District Court for the Southern District of Miss., No. 3674 (J)(C).
This class suit attacks the systematic exclusion of Negroes from the grand and petit juries of the United States District Court for the Southern District of Mississippi. The complaint alleges that the defendants (the Clerk of the Court and Jury Commissioner respectively) have failed to call the plaintiffs for jury service solely because they are members of the Negro race, in violation of Title 28, U.S.C. §1863(c); that the plaintiffs, though subjected to violations of their civil rights for which they are entitled to redress at law, have been unable to obtain such redress because of the exclusion of members of their race from the juries in the Southern District of Mississippi; that the plaintiffs and the class they represent have been subjected to acts which have been made criminal by federal statutes, but that the statutes have not been enforced because of the exclusion of Negroes from grand and petit juries in the Southern District of Mississippi. R. Jess Brown, Jackson, Miss., Melvin L. Wulf, New York City, Charles Morgan, Jr., Atlanta, Ga., for the plaintiffs.

25. United States v. O'Neal. U.S. District Court for the Eastern Dist. of Missouri, No. 65 CR 22(1).
The defendant's claim for exemption from military service based upon his conscientious objection to war was rejected on the ground that his objections were social and political rather than religious. At the defendant's arraignment, held the week after the decision of the Supreme Court of the United States in Seeger v. United States, the court directed the U.S. Attorney to reconsider the indictment in light of the Seeger opinion. Arthur J. Freund, Stephen W. Skrainka, St. Louis, Mo., Marvin M. Karpatkin, Melvin L. Wulf, New York City, for defendant.

Amicus Briefs:

26. Thompson v. Gleason. U.S. District Court for the District of Columbia, Civil Action No. 1853-59.
The plaintiff was receiving Veterans Administration funds for service connected disabilities suffered in combat in World War II. In 1956 the payments were declared forfeited on the ground that Thompson had "rendered assistance to an enemy of the United States" in the form of public statements made in 1950-1951 criticizing American prosecution of the Korean War. The Veterans Administration held that the

statements disclosed a violation of the Espionage Act, 18 U.S.C. §2388(a), and that forfeiture was therefore mandatory.

We argue that the World War I cases upon which the Veterans Administration relies to support its interpretation of the Espionage Act are no longer authoritative. The brief also argues that the Veterans Administration's characterization of Thompson's comments about the Korean War as being "false statements" violates the First Amendment which protects all utterances no matter how perverse or incorrect they may appear to be. Osmond K. Fraenkel, Melvin L. Wulf, Seymour Bucholz, New York City, Lawrence Speiser, Washington, D.C., for the ACLU.

27. Driver v. Hinnant. U.S. District Court for the Eastern District of North Carolina, Civil No. 1639.

The petitioner was charged with public intoxication in violation of Section 14-335 of the North Carolina General Statutes. At trial it was established by uncontradicted evidence that the petitioner is a chronic alcoholic. He has been arrested and convicted for public intoxication more than 203 times in the past 34 years. After exhausting his state remedies, the petitioner filed this application for a writ of habeas corpus.

Our brief argues that chronic alcoholism is a sickness, not a crime; that punishment of a chronic alcoholic for public intoxication, when he is unable to avoid that act, violates the Eighth Amendment's prohibition against cruel and unusual punishment; that punishment of a chronic alcoholic merely for publicly exhibiting the symptoms of his illness, violates the Eighth Amendment's prohibition against cruel and unusual punishment. Peter Barton Hutt and Michael S. Horne, Washington, D.C. for the ACLU, National Capital Area C.L.U., and Washington Area Council on Alcoholism, as amici curiae.

STATE COURTS

ACLU Supported Cases:

28. Ashton v. Kentucky. Kentucky Court of Appeals, No. W-125-64.

The appellant was convicted of publishing material critical of the officials of Hazard, Kentucky.

The brief argues that the trial court's definition of criminal libel was so vague and inclusive that the appellant's conviction was without due process of law and violated the constitutional guarantee of freedom of the press. The brief also argues that there was no showing that the material, alleged to have libeled a public official, was published with actual malice as required by New York Times v. Sullivan. Ephraim London, New York City, for appellant.

29. Bass v. Mississippi. Supreme Court of Mississippi, No._____.

The defendant was convicted of rape in December 1964 in Warren County, Mississippi (Vicksburg) and sentenced to death. The questions raised on appeal include the systematic exclusion of Negroes from grand and petit juries in the county,

the introduction of evidence illegally seized, and the refusal of the trial judge to permit production of contemporaneous notes made by F.B.I. agents who testified at trial about physical and chemical tests made upon various items of evidence introduced by the prosecution. R. Jess Brown, Jackson, Miss., Melvin L. Wulf, New York City, for petitioner.

30. Walters v. Reinicke. Supreme Court, Hartford (Conn.) County, No. ____.

The petitioner in this habeas corpus was convicted of murder in June 1956 and sentenced to life imprisonment without benefit of release. The petition alleges that the petitioner was arrested without either a warrant or probable cause, and interrogated at length by several police officers without being granted the assistance of counsel though he repeatedly requested the right to consult an attorney. The petition also alleges that the petitioner's automobile was searched by the police without a search warrant after he was taken into custody.

After three days of interrogation, during which he was denied the right to consult counsel, and after being confronted with property illegally seized from his home, person and automobile, incriminating statements were involuntarily extracted from the petitioner.

The petition claims that the admission of the incriminating statements against the petitioner at trial was unconstitutional, that the property taken from his home, car, and person was illegally admitted into evidence at trial, and that he was denied counsel at crucial stages of the proceedings against him. Leslie H. Levinson and Melvin L. Wulf Wulf, New York City, Jerome E. Caplan, Hartford, Conn., for petitioner.

31. Georgia v. Whitus and Davis. Superior Court of Mitchell County (Georgia), No.____.

Both defendants were convicted of the murder of a prominent local white citizen in 1959. Their convictions were reversed by the United States Court of Appeals for the Fifth Circuit in 1964. Whitus v. Balckom, 333 F.2d 496, cert. den. 33 U.S. L.Week 3209 (U.S. Dec. 7, 1964) on the ground that Negroes had been systematically excluded from grand and petit juries in Mitchell County. Re-trial is scheduled for the week of April 12, 1965 and the question of systematic exclusion is being raised again. An application for a change of venue has been filed. P. Walter Jones, Albany, Ga., Charles Morgan, Atlanta, Ga., for defendants.

32. In Re the Extradition of Daniel J. Hinson. Superior Court of Fulton County, Ga.,No._.

Hinson had several criminal charges lodged against him in two counties of South Carolina. While serving a federal sentence in the Atlanta Penitentiary, Hinson sought rulings from South Carolina courts to force them to provide him with a speedy trial. Federal penitentiary procedure calls for the transportation of an inmate of the Federal penitentiary to be returned for trial if request is made by the state and if certain financial obligations are met by the state. South Carolina refused to take the steps to return Hinson but is now seeking his return to stand trial. Hinson is presently confined in the Atlanta City Jail, Atlanta authorities having

arrested him on detainer warrants upon his release from the Federal penitentiary. Habeas corpus is being sought in state court on the ground that Hinson was deprived of his right to a speedy trial. Charles Morgan, Atlanta, Ga., for petitioner.

33. North Carolina State Bar v. Reginald Lee Frazier. Supreme Court of N. Carolina

Frazier, a Negro attorney in New Bern, North Carolina, active in civil rights litigation, was accused by a Negro woman of misappropriation of funds. She was represented by a white lawyer in a lawsuit and recovered a judgment against Frazier. The judgment was affirmed by the North Carolina Supreme Court. Subsequently, the Secretary of the North Carolina Bar Association brought charges against Frazier seeking his disbarrment, claiming that Frazier misappropriated funds of his client and discussed the case with the woman after she was represented by different counsel.

Several questions are being raised including the existence of two bar associations in the state - one, the state integrated bar from which Negroes are not excluded and which has few activities, and the other active association from which Negroes are excluded. Charles Morgan, Jr., Atlanta, Ga., Julius L. Chambers, Charlotte, North Carolina, for the respondent.

34. Georgia v. Woods. Superior Court of Emanuel County, Georgia, No.____.

A motion for a new trial has been filed on behalf of George Woods, Jr., a Negro, who was involved in an automobile crash in Georgia. An 18 year-old white boy in the other automobile was killed. The state charged that Wood had been driving over the speed limit, under the influence of alcohol and had not yielded the right of way. He was convicted of "wilfully and feloniously and with malice aforethought and with reckless disregard for human life" commiting the act of murder. After 30 minutes' deliberation, the jury returned a verdict of murder in the first degree. Woods was sentenced to life imprisonment.

The issues raised in the motion for a new trial are the systematic exclusion of Negroes from the grand and petit juries, and the absence of any evidence from the record to support the conviction. Charles Morgan, Jr., for the defendant.

Amicus Curiae:

35. Alabama v. Mills. Supreme Court of Alabama, Sixth Division, No. 950.

Title 17, Section 285 of the Code of Alabama provides: "It is a Corrupt Practice for any person on any election day...to do any electioneering or to solicit any votes... for or against the election or nomination of any candidate, or in support of or in opposition to any proposition that is being voted on, on the day on which the election affecting such candidates or propositions is being held."

The appellee, Editor of the Birmingham "Post-Herald", was charged with violating Section 285 because the newspaper ran an editorial on election day 1962 soliciting support of a proposition for a change of form of the Birmingham city

government. The trial court sustained a demurrer against the complaint on the ground that the statute violated the First and Fourteenth Amendments to the Constitution. Our brief makes three arguments:

1) Electioneering and solicitation of votes on election day with respect to a candidate or proposition to be voted on that day do not create a clear and present danger of substantive evils which the State of Alabama is constitutionally entitled to prevent. 2) The balancing test properly should be applied only to regulation of conduct which has a minor and incidental effect on speech, or to regulation of the time, place and/or manner of speaking. It is not applicable to a regulation, the operation of which depends upon the content or subject matter of speech. 3) Even if the balancing test is applied in the present case, Section 285 is unconstitutional for Alabama has no compelling interest in the silencing of political advocacy on election day in the sense required to sustain legislation which infringes First Amendment liberties. Charles Morgan, Atlanta, Ga., Herbert S. Channick, New York City, for ACLU.

36. Jones and Marquez v. Shaw. Supreme Court of Oklahoma, No.41393.

42 Okla. Stat. Ann., Sections 312, 313, 314, 315, prohibit inter-racial marriage. Our brief sets forth the present status of miscegenation decisions from Pace v. Alabama, 106 U.S. 83 (1883), to McLaughlin v. Florida, 379 U.S. 184 (1965) and argues that the Oklahoma statutes violate the equal protection clause of the Fourteenth Amendment, deny the individual plaintiffs the equal protection of the laws required by the Fourteenth Amendment, deny the plaintiffs due process of law because they interfere with the right to marriage, a fundamental right; that the statutes violate the due process clause because they are capricious, unreasonable, and arbitrary classifications without any valid legislative purpose. Bernard S. Cohen, Philip J. Hirschkop, Alexandria, Virginia, Melvin L. Wulf, New York City, for the ACLU and National Capital Area C.L.U.

MISCELLANEOUS

U.S. COURT OF MILITARY APPEALS

37. United States v. Gallagher. United States Court of Military Appeals, No. 18,212.

Article 67(b)(1) requires the Court of Military Appeals to review the record in cases affecting a general or flag officer regardless of such officer's election to petition the Court for review and regardless of whether or not he is able to demonstrate good cause. All others must petition the Court and make a showing of good cause before the Court will review a case on the merits.

Our brief challenges this provision on the ground that there is no reasonable connection between the statutory purpose and the classification favoring flag or general officers, and that it denies the euqal protection of the laws to military defendants other than general and flag officers. Joseph Lobenthal, New York City, Lawrence Speiser, Washington, D.C., for the ACLU.

CASES DECIDED SINCE LAST DOCKET (November 23, 1964)

UNITED STATES SUPREME COURT

ACLU Supported Cases:

38. Stanford v. Texas. Oct. Term, 1964, No. 40
Search and seizure of petitioner's books unanimously held to violate the Fourth Amendment.

39. Pate v. Page. Oct. Term, 1964, No. 426 Misc.
Certiorari was twice denied since the last docket. However, a sanity hearing was held and the petitioner was found to be insane and therefore not subject to execution.

40. McReynolds and Pappenheim v. Christenberry. Oct. Term, 1964, No. 605.
Certiorari was denied in this case which raised the question of the constitutionality of Title 39 U.S.C. §4008 which regulates the importation and distribution of "foreign political propaganda". Two other cases will be argued before the Court this term, including one from Northern California ACLU.

Amicus Curiae Briefs:

41. Calhoon v. Harvey. Oct. Term, 1964, No. 17.
Decided adversely on December 7, 1964 by a vote of 8 to 1. We had argued that suits may be filed under the Labor-Management Reporting and Disclosure Act of 1959 prior to union elections in order to challenge their validity, and that the statute's post-election remedy was not exclusive. The Court held to the contrary.

42. Freedman v. Maryland. Oct. Term, 1964, No. 69.
Decided favorably on March 1, 1965 by a unanimous Court. The decision held Maryland's movie censorship statute unconstitutional.

43. Beck v. Ohio. Oct. Term, 1964, No. 18.
Decided favorably on November 23, 1964 by a vote of 6-3. We had argued that a search without warrant is per se unreasonable where there is ample time to secure a warrant, that there was insufficient probable cause to conduct a warrantless search in this case, and that an arresting officer must disclose the identity of an informer in order to permit the court to determine whether probable cause for a search existed. The decision of the Court held there was insufficient probable cause to support the arrest.

44. United States v. Mississippi. Oct. Term, 1964, No. 73.
Decided more or less favorably on March 8, 1965 by a unanimous Court. Our brief had argued that Mississippi's voting statutes, including its literacy and constitutional interpretation test, its good moral character test, and the state's poll tax requirement, were unconstitutional. The Court remanded the case to the District Court for trial rather than disposing of the statutes on their face.

45. Seeger, Jakobson and Peter v. United States. Oct. Term, 1964, Nos. 50, 51, 29.

Decided favorably on March 8, 1965 by a unanimous Court. We had argued the unconstitutionality of Section 6(j) of the Universal Military Training and Service Act because it provided only for exemption of conscientious objectors who believe in a Supreme Being. The decision of the Court held the statute constitutional but gave the broadest definition to the Supreme Being in which a belief is required.

UNITED STATES COURTS OF APPEALS

ACLU Supported Cases:

46. Colliflower v. Garland. Ninth Circuit, No. 19,170.

Decided favorably on January 12, 1965. The court held that the Indian tribal court which had convicted the appellant was subject to the requirements of the due process clause of the Fifth and/or Fourteenth Amendments. The case was remanded to the District Court for a hearing on the petition for habeas corpus.

UNITED STATES DISTRICT COURTS

ACLU Supported Cases:

47. Kissling v. Rusk. Southern District of New York, No.____.

This case again raised the constitutionality of denying a passport to an individual who had travelled to Cuba. Shortly after the complaint was filed, the Department of State issued the passport.

STATE COURTS

ACLU Supported Cases:

48. Harper v. Mississippi. Mississippi Supreme Court, No. 42,767.

Unanimously reversed on the ground that Negroes had been systematically excluded from service upon grand and petit juries in Scott County, Mississippi.

AMERICAN CIVIL LIBERTIES UNION
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AGENDA

BOARD OF DIRECTORS MEETING

APRIL 3 - 4, 1965

Special Meeting of the Corporation

1. Amendment of Certificate of Incorporation.

Meeting of the Board

1. Election of affiliate designated members to Board.

2. Recommendations of the Church-State Committee and the affiliates on shared time.

3. Information reports:

   a. Southern Regional Office
   b. National legislation
   c. National office litigation
   d. Education and action

4. Recommendations of the joint meetings of the NPC and the NDC-SC:

   a. Tax deductibility
   b. Priorities recommended re: the expansion of national program and staff
   c. Northern California
   d. Chapter development
   e. Survey of the uses of the Annual Report
   f. Recommended docket of national concerns
   g. Any other topics covered in minutes of NPC--NDC February meetings

5. Recommendations of the Free Speech and Association Committee and the affiliates on libel.

6. Action on Lawyers Constitutional Defense Committee.

7. Recommendations of the Due Process Committee and the affiliates on capital punishment.

8. Report of the Audit Committee.

9. Recommendations of the Church State Committee, the Biennial Conference, and the affiliates on tax exemption for churches (materials previously circulated).